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PART II—Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 8th December, 1971/Agrahayana 17, 1893 (Saka)

THE DADRA AND NAGAR HAVELI LAND REVENUE ADMINISTRATION REGULATION, 1971

No. 2 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

A Regulation to consolidate and amend the law relating to land and land revenue in the Union territory of Dadra and Nagar Haveli and to provide for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971. Short title
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Regulation, unless the context otherwise requires,—

(1) "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(2) "agricultural year" means the year commencing on such date as the Administrator may, by notification in the Official Gazette, appoint;

(3) "boundary mark" means any erection, whether of earth, stone or other material, and includes any hedge, unploughed ridge, or strip of ground or other object whether natural or artificial, set up, employed, or specified by a survey officer or revenue officer having authority in that behalf, in order to designate the boundary of any division of land;

(4) "building" means any structure not being a farm building;

(5) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or courtyard enclosed by, or appurtenant to, any building erected thereupon;

(6) "certified copy" or "certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872;

1 of 1872.

(7) "*chavdi*" means the place ordinarily used by village officer for the transaction of village business;

(8) "estate" means any interest in lands and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same;

(9) "farm building" means a structure erected on land assessed or held for the purpose of agriculture for all or any of the following purposes connected with such land or any other land belonging to or cultivated by the holder thereof, namely:—

(a) for the storage of agricultural implements, manure or fodder,

(b) for the storage of agricultural produce,

(c) for sheltering cattle,

(d) for the residence of members of the family, servants or tenants of the holder, or

(e) for any other purpose which is an integral part of his cultivating arrangement;

(10) "*gaothan*" or "village site" means the lands included within the site of a village at the commencement of this Regulation in accordance with any survey, custom or usage or which may be declared as included within the site of a village in accordance with the provisions of this Regulation;

(11) "Government" means the Central Government;

(12) "Government lessee" means a person holding land from Government under a lease as provided by section 36 and includes a temporary lessee referred to in section 5 of the Dadra and Nagar Haveli Land Reforms Regulation, 1971;

(13) "holding" means a portion of land held by a holder;

(14) "to hold land" or "to be a landholder or holder of land" means to be lawfully in possession of land whether such possession is actual or not;

(15) "improvement", in relation to a holding, means any work which adds materially to the value of the holding, which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding is either executed directly for its benefit or is, after execution, made directly beneficial to it, and subject to the foregoing provisions, includes—

(a) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;

(c) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land;

(d) the erection of buildings on or in the vicinity of the holding, elsewhere than in the gaathan required for the convenient or profitable use or occupation of the holding; and

(e) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto,

but does not include—

(i) temporary wells and such water channels, embankments, levellings, enclosures or other works, or petty alterations in or repairs to such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture; or

(ii) any work which substantially diminishes the value of any land wherever situated, in the occupation of any other person, whether as occupant or tenant.

Explanation.—A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings;

(16) "joint holders" or "joint occupants" means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise, and whose shares are not divided by metes and bounds and where land is held by joint holders or joint occupants, "holder" or "occupant", as the case may be, means all the joint holders or joint occupants;

(17) "land" includes benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth;

(18) "landlord" means a lessor;

(19) "land records" means records maintained under the provisions of, or for the purposes of, this Regulation and includes a copy of maps and plans of a final town planning scheme or improvement scheme which has come into force in any area under any law in force

in the Union territory and forwarded to any revenue or survey officer under such law or otherwise;

(20) "land revenue" means all sums and payments in money received or legally claimable by or on behalf of the Government from any person on account of any land or interest in or right exercisable over land held by or vested in him, under whatever designation such sum may be payable and any cess or rate authorised by the Government or the Administrator under the provisions of any law for the time being in force, and includes premium, rent, lease money, or any other payment provided under any Act, rule, contract or deed on account of any land;

(21) "legal practitioner" has the meaning assigned to it in the Advocates Act, 1961;

25 of 1961.

(22) "non-agricultural assessment" means the assessment fixed on any land under the provisions of this Regulation or the rules made thereunder with reference to the use of the land for a non-agricultural purpose;

(23) "occupancy" means a portion of land held by an occupant;

(24) "occupant" means a holder in actual possession of land, other than a tenant or Government lessee; provided that, where a holder in actual possession is a tenant, the landholder shall be deemed to be the occupant;

(25) "occupation" means possession;

(26) "occupied land" means land in respect of which occupancy rights have been granted to any person under this Regulation or under the Dadra and Nagar Haveli Land Reforms Regulation, 1971;

(27) "to occupy land" means to possess or to take possession of land;

(28) "*pardi* land" means a cultivated land appertaining to houses within a village site;

(29) "population", in relation to any area, means population as ascertained at the last preceding census of which the relevant figures have been published;

(30) "prescribed" means prescribed by rules made under this Regulation;

(31) "recognised agent" means a person authorised in writing by any party to a proceeding under this Regulation to make appearances and applications and to do other acts on his behalf in such proceedings;

(32) "revenue officer" means every officer of any rank whatsoever appointed under any of the provisions of this Regulation and employed in or about the business of the land revenue or of the surveys, assessments, accounts, or records connected therewith;

(33) "revenue year" means the year commencing on such date as the Administrator may, by notification in the Official Gazette, appoint;

(34) "saza" means a group of villages in which is constituted a *saza* under section 4;

(35) "Sub-Divisional Officer" means an Assistant or Deputy Collector appointed as such under section 6;

(36) "sub-division of a survey number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion;

(37) "survey mark" means a mark erected for purposes of cadastral survey of land;

(38) "survey number" means a portion of land of which the area and assessment are separately entered under an indicative number in the land records and includes plots reconstituted under a final town planning scheme or improvement scheme which has come into force in any area under any law;

(39) "survey officer" means an officer appointed under section 7;

(40) "tenant" means a lessee, whether holding under an instrument, or under an oral agreement, and includes a mortgagee of a tenant's rights with possession; but does not include a lessee holding directly under the Government;

(41) "Union territory" means the Union territory of Dadra and Nagar Haveli;

(42) "unoccupied land" means the land in a village other than the land held by an occupant, a tenant or a Government lessee;

(43) "urban area" means the area for the time being included within the limits of any municipality constituted under any law for the time being in force or of any village or group of villages, which may be notified by the Administrator as urban area, regard being had to the density of population and of buildings in the area and the expression "non-urban area" shall be construed accordingly;

(44) "village" includes a town and all the land belonging to a village or town;

(45) "*wada* land" means an open land in village site used for tethering cattle or storing crops, fodder, manure or other similar things.

3. For the purposes of this Regulation, the Union territory shall be one district which shall consist of one or more sub-divisions and each sub-division may consist of one or more talukas and each taluka may consist of one or more villages.

Division of
Union ter-
ritory into
revenue
areas.

4. (1) The Administrator may, by notification in the Official Gazette,—

- (i) specify the sub-divisions which constitute the district;
- (ii) specify the talukas which constitute a sub-division;
- (iii) specify the villages which constitute a taluka;
- (iv) specify the local area which constitutes a village; and

Constitu-
tion of
revenue
areas.

(v) alter the limits of any village or abolish any village and may name or alter the name of any village and in any case where any village is re-named, then, all references in any law or instrument or document to the area under its original name shall be deemed to be references to the area so re-named, unless expressly otherwise provided:

Provided that the Administrator shall, as soon as possible after the commencement of this Regulation, constitute by like notification any area outside the limits of the gaathan of a village having a separate habitation and a population of not less than three hundred to be a village and specify therein the limits of the village so constituted.

(2) The Collector may by an order published in the prescribed manner arrange the villages which shall constitute a *saza*, and the *sazas* which shall constitute a circle and may alter the limits of, or abolish any *saza* or circle so constituted.

(3) The circles, *sazas* and villages existing at the commencement of this Regulation shall continue under the names they bear respectively to be the circles, *sazas* and villages unless otherwise altered under this section.

(4) Every notification issued or order made under this section shall be subject to the condition of previous publication, and the provisions of section 23 of the General Clauses Act, 1897 shall, so far as may be, apply in relation to such notification or order, as they apply in relation to rules to be made after previous publication.

CHAPTER II

REVENUE OFFICERS: THEIR POWERS AND DUTIES

Chief controlling authority in revenue matters.

5. The chief controlling authority in all matters connected with the land revenue in the Union territory shall vest in the Collector, subject to the superintendence, direction and control of the Administrator.

Revenue officers.

6. (1) The Government shall appoint a Collector for the Union territory who shall be in charge of the revenue administration thereof; and the Administrator shall appoint a Mamlatdar who shall be the chief officer entrusted with the local revenue administration.

(2) The Administrator may appoint one or more Assistant Collectors and Deputy Collectors and one or more Additional Mamlatdars and such other persons (having such designations) to assist the revenue officers as he may deem expedient.

(3) The Administrator may appoint an Assistant or Deputy Collector as Sub-Divisional Officer.

(4) The Collector may appoint as many persons as he thinks fit to be Circle Officers and Circle Inspectors to be in charge of a circle and one or more *Talathis* for a *saza*, and one or more *Kathias* or other village servants for each village or group of villages, as he may deem fit.

Survey officers.

7. For the purposes of Chapters V, VI, VIII, IX and X the Administrator may appoint as many persons as he considers necessary to be survey officers with such designations as may from time to time appear to him to be necessary.

8. It shall be lawful for the Administrator to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

Combination
of offices.

9. If the Collector or Mamlatdar is disabled from performing his duties or for any reason vacates his office or leaves his jurisdiction or dies—

Temporary
vacancies.

(a) the Assistant or Deputy Collector of the highest rank in the Union territory, or as the case may be,

(b) the Additional Mamlatdar and if there be no Additional Mamlatdar, the seniormost subordinate revenue officer in the taluka,

shall, unless other provision has been made by the Government or Administrator, succeed temporarily to the office of the Collector, or as the case may be, of the Mamlatdar and shall be held to be the Collector or Mamlatdar under this Regulation, until the Collector or Mamlatdar resumes charge or until such time as a successor is duly appointed and takes charge of his appointment.

Explanation.—An officer whose principal office is different from that of an Assistant or Deputy Collector, and who is working as an Assistant or Deputy Collector for special purposes only, shall not be deemed to be an Assistant or Deputy Collector for the purposes of this section.

10. (1) The Collector shall be subordinate to the Administrator.

Subordina-
tion of
officers.

(2) All other revenue officers shall be subordinate to the Collector, provided that all such other revenue officers including survey officers shall be subordinate, the one to the other, in such order as the Administrator may direct.

11. The appointment of all officers referred to in sections 6, 7 and 8 shall be duly notified in the Official Gazette, but the appointment shall take effect only from the date on which an officer assumes charge or his office.

Appoint-
ments to be
notified.

12. (1) The revenue officers of and above the rank of a Mamlatdar shall exercise the powers and discharge the duties and functions conferred and imposed on them respectively under this Regulation or under any other law for the time being in force, and so far as is consistent therewith, all such other powers, duties and functions of appeal, superintendence and control within their respective jurisdiction, and over the officers subordinate to them as may from time to time be prescribed by the Administrator:

Powers and
duties of
revenue
officers.

Provided that the Collector may also exercise all the powers and discharge all the duties and functions conferred or imposed on an Assistant or Deputy Collector under this Regulation or under any other law for the time being in force and a Mamlatdar shall also exercise such powers as may be delegated to him by the Collector under the general or special orders of the Administrator.

(2) The revenue officers aforesaid shall also, subject to the control and the general or special orders of the Administrator, exercise such powers and perform such duties and functions, as the Administrator may by an order in writing confer or impose on them for the purpose only of carrying out the provisions of any law for the time being in force, and so far as is consistent therewith.

(3) The Additional Mamlatdar shall exercise such powers and discharge such duties and functions of the Mamlatdar under the provisions of this Regulation or under any other law for the time being in force as the Administrator may, by notification in the Official Gazette, direct in this behalf.

(4) The Sub-Divisional Officer shall subject to the provisions of Chapter XIII perform all the duties and functions and exercise all the powers conferred upon a Collector by this Regulation or any other law for the time being in force, in relation to the sub-division:

Provided that the Collector may whenever he may deem fit direct the Sub-Divisional Officer not to perform certain duties or exercise certain powers and may reserve the same to himself or assign them to any Assistant or Deputy Collector subordinate to the Collector:

Provided further that, to such Assistant or Deputy Collector who is not placed in charge of the sub-division, the Collector shall, under the general orders of the Administrator, assign such particular duties and powers as he may from time to time deem fit.

(5) Subject to such general orders as may, from time to time, be passed by the Administrator, the Collector may assign to an Aval Karkun subordinate to the Mamlatdar such of the duties, functions and powers of the Mamlatdar as he may from time to time deem fit.

(6) Subject to such general orders as may from time to time be passed by the Collector, a Mamlatdar or Aval Karkun may employ any of his subordinates to perform any portion of his ministerial duties:

Provided that all acts and orders of such subordinates when so employed shall be liable to revision and confirmation by the Mamlatdar or Aval Karkun, as the case may be.

(7) In all matters not specifically provided for by this Regulation or any other law for the time being in force, the revenue officers shall act according to the instructions of the Administrator.

Powers and
duties of
survey officers,
circle officers, etc.

13. (1) Subject to the orders of the Administrator, the survey officers are vested with the cognisance of all matters connected with the survey, settlement and record of rights and shall exercise all such powers and perform all such duties as provided by this Regulation or any other law for the time being in force.

(2) The Circle Officer and the Circle Inspector in charge of a circle shall exercise such powers over the *Talathi* in his circle and perform such duties and functions as may be prescribed.

(3) The *Talathi* shall be responsible for the collection of land revenue and all amounts recoverable as arrears of land revenue, and for the maintenance of the record of rights and shall perform all such duties and functions as are hereinafter provided by this Regulation or any other law for the time being in force or by order of the Administrator or Collector.

(4) Subject to the general orders of the Administrator, the Collector shall determine from time to time what registers, accounts and other records shall be kept by a *Talathi*.

(5) It shall be also the duty of a *Talathi* to prepare whenever called upon by any superior revenue or police officer to do so, all writings connected with the concerns of a village which are required either for the use of the Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

(6) All other revenue officers shall perform such duties and functions as the Administrator may direct.

14. The Administrator may confer on any person possessing the prescribed qualifications, the powers conferred by this Regulation on an Assistant or Deputy Collector or Mamlatdar.

Conferral by Administrator of powers of revenue officers on other persons.

15. The Administrator shall from time to time by notification in the Official Gazette prescribe what revenue officers shall use a seal; and what size and description of seal shall be used by each of such officers.

Officers who shall use a seal and description of seal, to be prescribed.

Provisions for recovery of money, papers or other Government property

16. (1) The Collector or any officer deputed by the Collector shall, in all cases in which he may have a claim on any revenue officer or on any person formerly employed as such for public money or papers or other property of the Government, by writing under signature and his official seal, if he uses one, require the money, or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

Demands for money, papers, etc., to be made known in writing to person concerned etc

(2) If the officer or other person aforesaid does not discharge the money, or deliver up the papers or property as directed, the Collector or such other officer may cause him to be apprehended, and may send him with a warrant in the form specified in Schedule A, to be confined in a civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Provided that no person shall be detained in confinement by virtue of any such warrant for a longer period than one month.

17. (1) The Collector may also take proceedings to recover any public moneys in the same manner and subject to the same rules as are laid down in this Regulation for the recovery of arrears of land revenue from defaulters; and for the purposes of recovering public papers or other property of the Government may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal

Recovery of public moneys as arrears of land revenue and issue of search warrant for recovery of papers or property.

(2) It shall be the duty of all persons in possession of such public monies, papers or other property of the Government to make over the same forthwith to the Collector, and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

Officer or person in jail may secure his release by furnishing security.

18. If an officer or other person referred to in section 17 against whom a demand is made shall give sufficient security in the form specified in Schedule B, the Collector shall cause such officer or person, if in custody, to be liberated and countermand the sale of any property that may have been attached and restore it to the owner.

CHAPTER III

OF LANDS

Title of Government in all lands, public roads, etc., which are not property of others.

19. (1) All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of rivers, streams, nallas, lakes and tanks and all canals and watercourses, and all standing and flowing water, and all lands wherever situated, which are not the property of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of the Government, and it shall be lawful for the Collector to dispose of them in such manner as may be prescribed subject always to the rights of way and all other rights of the public or of individuals legally subsisting.

(2) Where any property or any right in or over any property is claimed by or on behalf of the Government or by any person as against the Government, it shall be lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given, to pass an order deciding the claim.

(3) An order passed by the Collector or a survey officer under sub-section (1) or sub-section (2) shall be subject to one appeal and revision in accordance with the provisions of this Regulation.

(4) Any suit instituted in any civil court after the expiration of one year from the date of any order passed under sub-section (1) or sub-section (2) or, if appeal has been made against such order within the period of limitation, then from the date of any order passed by the appellate authority, shall be dismissed (through limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (2) the plaintiff has had due notice of such order.

(5) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with the rules made in this behalf by the Administrator.

Extinction of rights of public in or over any public road, lane or path not required for use of public.

20. (1) Whenever it appears to the Collector that any public road, lane or path which is the property of the Government or part thereof (hereafter in this section referred to as the Government road), is not required for the use of the public, the Collector may, by notification published in the Official Gazette, make a declaration to that effect and state in such declaration that it is proposed that the rights of the public in or over

such Government road (of which the situation and limits as far as practicable are specified) shall subject to the existing private rights, if any, be extinguished.

(2) On the publication of such notification, the Collector shall, as soon as possible, cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such Government road, and shall invite objections to the proposal aforesaid.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway in or over such Government road, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification under sub-section (1), state to the Collector in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and particulars of his claim to compensation for such interest or right:

Provided that the Collector may allow any person to make such statement after a period of ninety days aforesaid if he is satisfied that such person had sufficient cause for not making it within that period.

(4) The Collector shall give to every person who has made a statement to him under this section an opportunity of being heard either in person or by a legal practitioner and shall, if after hearing all such persons in such manner and after making such further inquiry, if any, as he thinks necessary he is satisfied that the Government road is not required for the use of the public, make a declaration, which shall be published in the Official Gazette, that all rights of the public in or over such Government road are extinguished and all such rights shall thereupon be extinguished, and such Government road shall subject to any existing private rights be at the disposal of the Government with effect from the date of such declaration. The Collector shall also determine the amount of compensation, if any, which should in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as aforesaid. The provisions of sections 9, 10, 11, 12, 13, 14 and 15 of the Land Acquisition Act, 1894, shall, so far as may be, apply to the proceedings held by the Collector for the determination of the amount of compensation under this sub-section:

of 1894.

Provided that no compensation shall be awarded for the extinction or diminution of the right of public highway over such Government road.

(5) The decision of the Collector under sub-section (4) as respects the extinguishment of the rights of the public on or over Government road and the amount of compensation and the persons to whom such compensation, if any, is payable shall subject to the decision of the Administrator in appeal, be final; and payment of compensation shall be made by the Collector to such persons accordingly:

Provided that if payment is not made within six months from the date of the final order, the Collector shall pay the amount awarded with interest thereon at the rate of six per cent. per annum from the date of the final order.

Lands may be assigned for special purposes, and when assigned, shall not be otherwise used without sanction of Collector.

21. Subject to the general orders of the Administrator, it shall be lawful for a survey officer during the course of survey operations under this Regulation, and at any other time for the Collector, to set apart unoccupied lands (not in the lawful occupation of any person) in villages or parts thereof for forest or fuel reserve, for free pasturage of village cattle or for grass or fodder reserve, for burial or cremation ground for gaathan, for camping ground, for threshing floor, for bazar, for skinning ground, for public purposes such as roads, lanes, parks, drains or for any other public purpose, and the lands assigned shall not be otherwise used without the sanction of the Collector and in the disposal of lands under section 20 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

22. The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated according to rules made by the Administrator in this behalf. The Collector's decision in any case of dispute as to the right of grazing aforesaid shall, subject to one appeal only according to the provisions of this Regulation, be conclusive.

Recovery of value of natural products unauthorisedly removed from certain lands.

23. Any person who unauthorisedly removes from any land, which is set apart for a special purpose or from any land which is the property of Government, any natural product shall be liable to the Government for the value thereof, and in addition, to a fine not exceeding five times the value of the natural product so removed and such value and fine shall be recoverable from him as an arrear of land revenue.

Right to trees in holdings.

24. (1) With effect from the commencement of this Regulation, the right to all trees, except teak, khair, sesum, sandalwood and mahura trees standing or growing on any occupied land shall vest in the holder thereof, but if the Administrator is of opinion that it is necessary to prohibit or regulate the cutting of any such trees for preventing erosion of soil, he may by rules prohibit or regulate the cutting of such trees.

(2) All teak, khair, sesum, sandalwood and mahura trees, standing or growing in any land exclusively belong to the Government and their disposal shall be governed by the forest law in force in the Union territory and by such rules as may be made in this behalf by the Administrator.

Trees and forest vesting in Government.

25. The right to all trees, brushwood, jungle or other natural product growing on land set apart for forest reserves under section 21 and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of persons capable of holding property, vests in the Government, and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed.

Recovery of value of trees, etc., unauthorisedly appropriated.

26. Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof which is the property of the Government shall be liable to the Government for the value thereof, which shall be recoverable from him as an arrear of land revenue in addition to any penalty to which he may be liable under the provisions of this Regulation for the occupation of the land or otherwise, notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

27. (1) Where trees are standing in any waste land outside any reserved forest, the villagers in general may take firewood, and agriculturists, such wood as may be required for agricultural implements, without payment of any tax but subject to rules made by the Administrator. Regulation of cutting and supply of wood, etc.

(2) In lands which have been set apart under section 21 for forest reserves subject to the privileges of the villagers or of certain classes of persons to cut firewood or timber for domestic or other purposes, the exercise of the said privileges shall be regulated by rules made by the Administrator in this behalf and in case of dispute, as to the mode or time of exercising any such privileges, the decision of the Collector shall, subject to one appeal only in accordance with the provisions of this Regulation, be final.

Of the grant of land

28. There shall be under this Regulation the following classes of persons holding land from the Government, that is to say,— Classes of persons holding land.

(a) occupants.

(b) Government lessees.

29. Where any unoccupied land is granted to any person under any of the provisions of this Regulation, it shall be the duty of the Mamlatdar without delay to call upon such person to enter upon the occupation of such land in accordance with the terms of the grant. Occupation of land granted under provisions of this Regulation.

30. (1) It shall be lawful for the Collector subject to such rules as may from time to time be made by the Administrator in this behalf, to require the payment of a price for land or to sell the same by auction, and to annex such conditions to the grant as may be prescribed by such rules before land is entered upon under section 29. Unoccupied land may be granted on conditions.

(2) The price (if any) paid for such land shall include the price of the Government's right to all trees thereon and shall be recoverable as an arrear of land revenue.

31. (1) When it appears to the Collector that any alluvial land, which vests under any law for the time being in force in the Government, may with due regard to the interests of the public revenue be disposed of, he shall, subject to the rules made by the Administrator in this behalf, offer the same to the occupant (if any) of the bank on which such alluvial land has formed and the price of the land so offered shall not exceed three times the annual assessment thereof. Grant of alluvial land vesting in Government.

(2) If the occupant does not accept the offer, the Collector may dispose of the land without any restrictions as to price.

Explanation.—For the purpose of this section, notwithstanding anything contained in clause (24) of section 2, if the bank has been mortgaged with possession, the mortgagor shall be deemed to be the occupant thereof.

32. When alluvial land forms on any bank, the occupant if any, of such bank shall be entitled to the temporary use thereof unless or until the area of the same exceeds two-fifths of an hectare and when the area of the alluvial land exceeds two-fifths of an hectare, it shall be at the disposal of the Collector subject to the provisions of section 31. Temporary right on alluvial lands of small extent.

Disposal of
intestate
occupancies.

33. (1) If an occupant dies intestate and without known heirs, the Collector shall take possession of his occupancy and may lease it for a period of one year at a time.

(2) If within three years of the date on which the Collector takes possession of the occupancy, any claimant applies for the occupancy being restored to him, the Collector may, after such enquiry as he thinks fit, place such claimant in possession of the occupancy or reject his claim.

(3) The order of the Collector under sub-section (2) shall not be subject to appeal or revision but any person whose claim is rejected under sub-section (2) may, within one year from the date of the communication of the order of the Collector, file a suit to establish his title and if such suit is filed, the Collector shall continue to lease out the land as provided in sub-section (2), till the final decision of the suit.

(4) If no claimant appears within three years from the date on which the Collector took possession of the occupancy or if a claimant whose claim has been rejected under sub-section (2) does not file a suit within one year as provided in sub-section (3), the Collector may sell the right of the deceased occupant in the occupancy by auction.

(5) Notwithstanding anything contained in any law for the time being in force, a claimant, who establishes his title to the occupancy which has been dealt with in accordance with the provisions of this section, shall be entitled only to the rents payable under sub-section (1) and the sale-proceeds realised under sub-section (4) less all sums due on the occupancy on account of land revenue and the expenses of management and sale.

Occupancy
to be trans-
ferable and
heritable
subject to
certain res-
trictions.

34. An occupancy shall, subject to the provisions contained in section 67 and to any conditions lawfully annexed to the tenure, and save as otherwise provided by law, be deemed an heritable and transferable property.

Occupants'
rights are
conditional.

35. An occupant is entitled to the use and occupation of his land in perpetuity conditionally on the payment of the amount due on account of the land revenue for the same, according to the provisions of this Regulation or of any rules made under this Regulation or of any other law for the time being in force, and on the fulfilment of any other terms or conditions lawfully annexed to his tenure.

Power to
grant
leases.

36. (1) It shall be lawful for the Collector at any time to grant on lease any unoccupied land to any person for such period, for such purpose and on such conditions as he may, subject to rules made by the Administrator in this behalf, determine and in any such case the land shall, whether a survey settlement has been extended to it or not, be held only for the period and for the purpose and subject to the conditions so determined.

(2) The grantee shall be called a Government lessee in respect of the land so granted.

Occupant to
pay land
revenue and
Government
lessee to
pay rent
fixed.

37. Every occupant shall pay as land revenue the assessment fixed under the provisions of this Regulation and the rules made thereunder; and every Government lessee shall pay as land revenue lease money fixed under the terms of the lease.

38. Nothing contained in any provision of this Regulation shall derogate from the right of the Government to dispose of any land, the property of Government, on such terms and conditions as it deems fit.

Saving of powers of Government.

Of use of land.

39. A holder of any land assessed or held for the purpose of agriculture is entitled by himself, his servants, tenants, agents or other legal representatives to erect farm buildings, construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.

Uses to which holder of land for purposes of agriculture may put his land.

40. No land used for agriculture shall be used for any non-agricultural purpose; and no land assessed for one non-agricultural purpose shall be used for any other non-agricultural purpose or for the same non-agricultural purpose but in relaxation of any of the conditions imposed at the time of the grant of land or permission for non-agricultural purpose, except with the permission of the Collector.

Permission for non-agricultural use.

41. Subject to the rules made by the Administrator in this behalf the Collector or a survey officer may regulate or prohibit the use of land liable to the payment of land revenue for purposes such as cultivation of unarable land in a survey number assigned for public purpose, manufacture of salt from agricultural land, removal of earth, stone, kankar, murum or any other material from the land assessed for the purpose of agriculture only, so as to destroy or materially injure the land for cultivation, removal of earth, stone (other than loose surface stone), kankar, murum or any other material from the land assessed as a building site, excavation of land situated within a gaothan and such other purposes as may be prescribed and may summarily evict any person who uses or attempts to use the land for any such prohibited purpose.

Restriction on use.

42. (1) If an occupant or a tenant of land,—

(a) which is assessed or held for the purpose of agriculture, wishes to use it for a non-agricultural purpose, or

(b) which is assessed or held for a particular non-agricultural purpose, wishes to use it for another non-agricultural purpose, or

(c) desires to use it for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of grant of land or permission for such non-agricultural purpose,

Procedure for conversion of use of land from one purpose to another.

such occupant or tenant shall, with the consent of the tenant or as the case may be, of the occupant, apply to the Collector for permission in accordance with the form prescribed.

(2) The Collector, on receipt of an application,—

(a) shall acknowledge the application within seven days;

(b) may, unless he directs otherwise, return the application if it is not made by the occupant or as the case may be, the tenant or, if the consent of the tenant, or as the case may be, of the occupant has not been obtained, or if it is not in accordance with the form prescribed;

(c) may, after due enquiry, either grant the permission on such terms and conditions as he may specify subject to any rules made in this behalf by the Administrator, or refuse the permission applied for, if it is necessary so as to do to secure the public health, safety and convenience or if such use is contrary to any scheme for the planned development of a village or town in force under any law for the time being in force and in the case of land which is to be used as building sites in order to secure in addition that the dimensions, arrangements and accessibility of the sites are adequate for the health and convenience of the occupiers or are suitable to the locality.

(3) Where an application is rejected under sub-section (2), the Collector shall state the reasons in writing for such rejection.

(4) If the Collector fails to inform the applicant of his decision within ninety days from the date of acknowledgement of the application, or from the date of receipt of the application, if the application is not acknowledged, or within fifteen days from the date of receipt of application for a temporary change of user, or where an application has been duly returned for the purposes mentioned in clause (b) of sub-section (2), then, within ninety days from the date on which it is again presented duly complied with, the permission applied for shall be deemed to have been granted but subject to any conditions prescribed in the rules made by the Administrator in respect of such user.

(5) The person to whom permission is granted or deemed to have been granted under this section shall inform the Mamlatdar in writing through the village officers the date on which the change of use of land commenced, within thirty days from such date.

(6) If the person fails to inform the Mamlatdar within the period specified in sub-section (5) he shall be liable to pay in addition to the non-agricultural assessment such fine, as the Collector may, subject to rules made in this behalf, direct, but not exceeding five hundred rupees.

(7) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the form prescribed under the rules.

(8) It shall be lawful for the Collector, either of his own motion or on the application of a person affected by the error, to direct at any time the correction of any clerical or arithmetical error in the sanad arising from any accidental slip or omission.

Penalty for
using land
without
permission.

43. (1) If any land held or assessed for one purpose is used for another purpose—

(a) without obtaining permission of the Collector under section 42 or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, or

(b) in contravention of any of the conditions subject to which any exemption or concession in the payment of land revenue in relation to such land is granted,

the holder thereof or any other person claiming through or under him, as the case may be, shall be liable to the one or more of the following penalties, that is to say,—

(i) to pay non-agricultural assessment on the land leviable with reference to the altered use;

(ii) to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of this Regulation such fine as the Collector may, subject to rules made by the Administrator in this behalf, direct;

(iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.

(2) If any person falls within the period specified in the notice aforesaid to take steps required by the Collector, the Collector may also impose on such person a penalty not exceeding three hundred rupees for such contravention, and a further penalty not exceeding thirty rupees for each day during which the contravention is persisted in and the Collector may himself take those steps or cause them to be taken, and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

Explanation.—Using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be change of user.

44. If a tenant of any holder or any person claiming under or through him uses land for a purpose in contravention of the provisions of section 40, 41 or 42 without the consent of the holder and thereby tenders the holder liable to the penalties specified in section 41, 42 or 43, the tenant or such person, as the case may be, shall be responsible to the holder in damages.

Responsibility of tenant or other person for wrongful use.

45. Nothing in section 40, 42, 43 or 44 shall prevent—

(a) the Administrator from exempting any land or class of lands from the operation of any of the provisions of those sections, if the Administrator is of opinion that it is necessary in the public interest for the purpose of carrying out any of the objects of this Regulation to exempt such land or such class of lands; and

Powers of Administrator to exempt land from provisions of section 40, 42, 43 or 44.

(b) the Collector from regularising the non-agricultural use of any land on such terms and conditions as may be prescribed by him subject to rules made in this behalf by the Administrator.

46. (1) Unless it is otherwise expressly provided by the terms of the grant made by the Administrator, the right to all minerals at whatever place found, whether on surface or underground, including all derelict or working mines and quarries, old dumps, pits, fields, bandhs, nallas, riverbeds and such other places, is and is hereby declared to be expressly

Government's title to mines and minerals.

reserved and shall vest in the Government which shall have all powers necessary for the proper enjoyment of such rights:

Provided that nothing in this Regulation shall be deemed to affect any subsisting rights of any person in respect of such mines or minerals in his land.

(2) The right to all mines and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines and any other purposes which the Administrator may declare to be subsidiary to mining and quarrying.

(3) If the Administrator has assigned to any person Government's right over any minerals, mines or quarries and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right has been assigned:

Provided that, no such delegation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.

(4) If, in the exercise of the right herein referred to over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall, in the absence of agreements, be determined by the Collector or, if his award is not accepted, by the civil court, in accordance with the provisions of the Land Acquisition Act, 1894.

1 of 1894.

(5) No assignee shall enter upon or occupy the surface of any land without the previous sanction of the Collector unless compensation has been determined and tendered to the persons whose rights are infringed:

Provided that it shall be lawful for the Collector to grant interim permission pending the award of the civil court in cases where the question of determining the proper amount of compensation is referred to such court under sub-section (4).

(6) If an assignee fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(7) Any person who without lawful authority extracts, removes, collects, replaces, picks up or disposes of any mineral from working or derelict mines, quarries, old dumps, fields, bunds (whether on the plea of repairing or construction of bunds of the fields or on any other plea), nallas, river-beds, or such other places wherever situate, the right to which vests in, and has not been assigned by the Administrator, shall, without prejudice to any other mode of action that may be taken against him, be liable, on the order in writing of the Collector, to pay penalty not exceeding a sum determined, at three times the market value of the minerals so

extracted, removed, collected, replaced, picked up or disposed of, as the case may be:

Provided that if the sum so determined is less than one thousand rupees the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose.

(8) Without prejudice to the provisions in sub-section (7) the Collector may seize and confiscate any mineral extracted, removed, collected, replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section (7) the right to which vests in the Government and has not been assigned by the Administrator.

(9) The Administrator may make rules to regulate the extraction and removal of minor minerals required by inhabitants of a village or town for their domestic, agricultural or professional use on payment of fees or free of charge as may be specified in the rules.

Explanation.—For the purposes of this section and sections 155 and 156 “minor minerals” has the same meaning as in clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957.

47. (1) If any person (hereafter called “the applicant”) desires to construct a watercourse to take water to irrigate his land for the purpose of agriculture from a source of water to which he is entitled (including any source of water belonging to Government from which water is permitted to be taken) but such watercourse is to be constructed through any land which belongs to or is in possession of another person (hereafter called “the neighbouring holder”), and if no agreement is arrived at for such construction between the applicant and the neighbouring holder, the person desiring to construct the watercourse may make an application in the prescribed form to the Mamlatdar.

Construction of water-course through land belonging to other person.

Explanation.—For the purposes of this section “neighbouring holder” includes the person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if the Mamlatdar after making an inquiry and after giving the neighbouring holder and all other persons interested in the land, an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the watercourse, he may by order in writing, direct the neighbouring holder to permit the applicant to construct the watercourse on the following conditions:—

(i) The watercourse shall be constructed through such land in such direction and manner as is agreed upon by the parties, or failing agreement, as directed by the Mamlatdar so as to cause as little damage to the land through which it is constructed, as may be possible.

(ii) Where the watercourse consists of pipes laid under or over the surface, it shall, as far as possible, be along the shortest distance through such land, regard being had to all the circumstances of the land of the neighbouring holder. Where the watercourse consists of underground pipes, the pipes shall be laid at a depth not less than half a metre from the surface of the land.

(iii) Where the watercourse consists of a water channel, the width of the channel shall not be more than that is absolutely necessary for the carriage of water, and in any case shall not exceed one and one half metres.

(iv) The applicant shall pay to the neighbouring holder—

(a) such compensation for any damage caused to such land by reason of the construction of the watercourse injuriously affecting such land; and

(b) such annual rent as the Mamlatdar may decide to be reasonable in cases where the watercourse consists of a water channel and pipes laid over the surface, and where it consists of underground pipes, say, at a rate of 25 paise for every ten metres or a fraction thereof for the total length of land under which the underground pipe is laid.

(v) The applicant shall maintain the watercourse in a proper state of repair.

(vi) Where the watercourse consists of underground pipes, the applicant shall—

(a) cause the underground pipe to be laid with the least practicable delay; and

(b) dig up no more land than is reasonably necessary for the purpose of laying the underground pipe and any land so dug up shall be filled in, reinstated and made good by the applicant at his own cost for use by the neighbouring holder.

(vii) Where the applicant desires to lay, repair or renew the pipe, he shall do so after reasonable notice to the neighbouring holders of his intention so to do and in so doing he shall cause as little damage as possible to the land or any crop standing thereon.

(viii) Such other conditions as the Mamlatdar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among the neighbouring holders and all persons interested in the land.

(4) Any order made under sub-section (2) shall be final and be a complete authority to the applicant or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the watercourse and for renewing or repairing the same.

(5) If the applicant in whose favour an order under sub-section (2) is made—

(a) fails to pay the amount of compensation or the amount of rent, it shall be recovered as an arrear of land revenue on an application being made to the Mamlatdar by the person entitled thereto;

(b) fails to maintain the watercourse in a proper state of repairs, he shall be liable to pay such compensation as may be determined by the Mamlatdar for any damage caused on account of such failure.

(6) If any person intends to remove or discontinue the watercourse constructed under the authority conferred on him under this section, he may do so after giving notice to the Mamlatdar and the neighbouring holder.

(7) In the event of removal or discontinuance of such watercourse, the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay and if he fails to do so, the neighbouring holder may apply to the Mamlatdar who shall require such person to fill in and reinstate the land.

(8) The neighbouring holder or any person on his behalf shall have the right to the use of any surplus water from the watercourse on payment of such rates as may be agreed upon between the parties and on failure of agreement, as may be determined by the Mamlatdar and if a dispute arises whether there is or is no surplus water in the watercourse, it shall be determined by the Mamlatdar and his decision shall be final.

(9) There shall be no appeal from any order passed by a Mamlatdar under this section, but the Collector may call for and examine the record of any case and if he considers that the order passed by the Mamlatdar is illegal or improper, he may, after due notice to the parties, pass such order as he deems fit.

(10) The orders passed by the Mamlatdar or Collector under this section shall not be called in question in any court.

(11) Where any person, who after a summary inquiry before the Collector or a survey officer or Mamlatdar is proved to have wilfully injured or damaged any watercourse duly constructed or laid under this section, he shall be liable to a fine not exceeding one hundred rupees every time for the injury or damage so caused.

Of encroachments on land

48. (1) In the event of any encroachment being made on any land vested in the Government (whether or not in charge of any local authority) or any such land being used for the purpose of hawking or selling articles without the sanction of the competent authority, it shall be lawful for the Collector to summarily abate or remove any such encroachment or cause any article whatsoever hawked or exposed for sale to be removed, and the expenses incurred therefor shall be leviable from the person in occupation of the land encroached upon or used as aforesaid.

Removal of encroachments on land vesting in Government; provisions for penalty and other incidental matters.

(2) The person who made such encroachment or who is in unauthorised occupation of the land so encroached upon shall pay, if the land encroached upon forms part of an assessed survey number, assessment for the entire survey number for the whole period of the encroachment, and if the land has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land used for the same purpose. Such person shall pay in addition a fine which shall not be less than five rupees but not more than one thousand rupees if the land is used for an agricultural purpose, and if used for a purpose other than agriculture such fine not exceeding two thousand rupees. The person caught hawking or selling any articles shall be liable to pay a fine of a sum not exceeding fifty rupees as the Collector may determine.

(3) The Collector may, by notice duly served under the provisions of this Regulation, prohibit or require the abatement or removal of encroachments on any such lands, and shall fix in such notice a date which shall be a reasonable time after such notice, on which the same shall take effect.

(4) Every person who makes, causes, permits or continues any encroachment on any land referred to in a notice issued under sub-section (3) shall in addition to the penalties specified in sub-section (2) be liable at the discretion of the Collector to a fine not exceeding twenty five rupees in the case of encroachment for agricultural purposes and fifty rupees in other cases for every day during the portion of which the encroachment continues after the date fixed for the notice to take effect.

(5) An order passed by the Collector under this section shall be subject to appeal and revision in accordance with the provisions of this Regulation.

(6) Nothing contained in sub-sections (1) to (4) shall prevent any person from establishing his rights in a civil court within a period of six months from the date of the final order under this Regulation.

Regularisation of encroachments.

49. (1) Nothing in section 48 shall prevent the Collector, if the person making the encroachment so desires, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land revenue thereon and to grant the land to the encroacher on such terms and conditions as the Collector may impose subject to rules made by the Administrator in this behalf and then to cause the said land to be entered in the land records in the name of the said person:

Provided that no land shall be granted as aforesaid unless the Collector gives public notice of his intention so to do in such manner as he considers fit, and considers any objections or suggestions which may be received by him before granting the land as aforesaid.

(2) The expenses incurred in giving the public notice under the provisions of sub-section (1) shall be paid by the person making the encroachment, and on his failure to do so on demand within a reasonable time shall be recovered from him as an arrear of land revenue.

Value and land revenue how calculated.

50. (1) For the purposes of section 49 the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation and the annual revenue of such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

(2) The Collector's decision as to the value of the land and the amount of land revenue or assessment payable for the land encroached upon shall be conclusive and in determining the amount of land revenue, occupation for a portion of year shall be counted as for a whole year.

51. (1) If in the opinion of the Collector any person is unauthorisedly occupying or wrongfully in possession of any land vesting in the Government or is not entitled or has ceased to be entitled to continue the use, occupation or possession of any such land by reason of the expiry of the period of lease or tenancy or termination of the lease or tenancy or breach of any of the conditions annexed to the tenure, it shall be lawful for the Collector to summarily evict such person in the manner provided in sub-section (2).

Summary
eviction of
person un-
authorisedly
occupying
land vesting
in Govern-
ment.

(2) The Collector shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land, and if such notice is not obeyed, the Collector may remove him from such land.

(3) A person unauthorisedly occupying or wrongfully in possession of land after he has ceased to be entitled to continue the use, occupation or possession by virtue of any of the reasons specified in sub-section (1) shall also be liable at the discretion of the Collector to pay a penalty not exceeding two times the assessment or rent for the land for the period of such unauthorised use or occupation.

52. (1) After summary eviction of any person under section 51 any building or other construction erected on the land or any crop raised in the land shall, if not removed by such person after such written notice as the Collector may deem reasonable, be liable to forfeiture or to summary removal.

Forfeiture
and removal
of property
left over
after
summary
eviction.

(2) Forfeitures under this section shall be adjudged by the Collector and any property so forfeited shall be disposed of in such manner as the Collector may direct, and the cost of the removal of any property under this section shall be recoverable as an arrear of land revenue.

Of relinquishment of land

53. An occupant may relinquish his land, that is, resign in favour of the Government but subject to any rights, tenures, incumbrances or equities lawfully subsisting in favour of any person other than the Government or the occupant, by giving notice in writing to the Mamlatdar not less than thirty days before the date of commencement of the agricultural year, and thereupon, he shall cease to be an occupant from the agricultural year next following such date:

Relinquish-
ment.

Provided that no portion of land which is less in extent than a whole survey number or sub-division of a survey number may be relinquished.

54. If any person relinquishes land, the way to which lies through any other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Right of way
to relinqui-
shed land.

55. Nothing in section 53 shall affect the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from the Government.

Saving of
operation of
section 53
in certain
cases.

56. Any person unauthorisedly occupying or wrongfully in possession of any land—

Summary
eviction of
persons
unauthori-
sedly occu-
pying land.

(a) to the use or occupation of which by reason of any of the provisions of this Regulation he is not entitled or has ceased to be entitled, or

(b) which is not transferable except in accordance with any rules made under this Regulation or by virtue of any condition lawfully annexed to the tenure under the provisions of section 30, 35 or 42, may be summarily evicted by the Collector.

Power of Administrator to suspend operation of section 53.

57. (1) It shall be lawful for the Administrator by notification in the Official Gazette from time to time,—

(a) to suspend the operation of section 53 within any prescribed local area, either generally or in respect of cultivators or occupants of a particular class or classes, and

(b) to cancel any such notification.

(2) During the period for which any notification under clause (a) of sub-section (1) is in force within any local area, such orders as the Administrator may from time to time make, shall be substituted for the provisions of which the operation is suspended.

Protection of certain occupancies from process of courts

Occupancy when not liable to process of civil court; court to give effect to Collector's certificate.

58. In any case where an occupancy is not transferable without the previous sanction of the Collector under the rules made under this Regulation or under any other law and such sanction has not been granted to a transfer which has been made or ordered by a civil court or on which the court's decree or order is founded—

(a) such occupancy shall not be liable to the process of any court, and such transfer shall be null and void, and

(b) the court, on receipt of certificate under the hand and seal of the Collector to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy.

CHAPTER IV

OF LAND REVENUE

All land liable to pay revenue unless specially exempted.

59. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to the Government as provided by or under this Regulation except such as may be wholly exempted under the provisions of any special contract with the Government or any law for the time being in force or by special grant of the Government:

Provided that nothing in this Regulation shall be deemed to affect the power of the Government to direct the levy of revenue on all lands under whatever title they may be held whenever and so long as the exigencies of the Government may render such levy necessary.

Liability of alluvial lands to land revenue.

60. All alluvial lands, newly formed islands, or abandoned river-beds which vest under any law for the time being in force in any holder of land, shall be subject in respect of liability to the payment of land revenue to the same privileges, conditions or restrictions as are applicable to the original holding by virtue of which such lands, islands, or river-beds

so vest in the said holder, but no land revenue shall be leviable in respect of any such lands, islands, or river beds until or unless the area of the same exceeds two-fifths of an hectare and also exceeds one-tenth of the area of the said original holding.

61. Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be made by the Administrator in this behalf, to a decrease of assessment if any portion thereof not being less than one-fifth of an hectare in extent, is lost by diluvion and the holder shall, subject to rules made in this behalf, be liable for payment of land revenue on re-appearance of the land so lost by diluvion not less than one-fifth of an hectare.

Assessment of land revenue in cases of diluvion.

62. (1) The land revenue leviable on any land under the provisions of this Regulation shall be assessed, or shall be deemed to have been assessed, as the case may be, with reference to the use of the land—

Manner of assessment and alteration of assessment.

- (a) for the purpose of agriculture;
- (b) for the purpose of residence;
- (c) for the purpose of industry;
- (d) for the purpose of commerce;
- (e) for any other purpose.

(2) Where land assessed to agriculture is used for non-agricultural purposes or *vice versa* or being assessed to one non-agricultural use is used for another non-agricultural purpose, then, the assessment fixed under the provisions of this Regulation upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and assessed at a rate provided for under this Regulation in accordance with the purpose for which it is used or is permitted to be used.

(3) Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment.

(4) The assessment under sub-sections (2) and (3) shall be made in accordance with the rules made in this behalf.

63. (1) On all lands which are not wholly exempt from the payment of land revenue and on which the assessment has not been fixed or deemed to be fixed under the provisions of this Regulation, the assessment of the amount to be paid as land revenue shall, subject to rules made in this behalf, be fixed by the Collector, for such period not exceeding ninety-nine years as he may be authorised to prescribe by the Administrator under his general or special orders made in that behalf, and the amounts due according to such assessment shall be levied on all such lands:

Assessment by whom to be fixed.

Provided that, in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, regard shall be had in fixing the assessment and levy of land revenue to all rights legally subsisting according to the nature of the said rights:

Provided further that, where any land which was wholly or partially exempt from payment of land revenue has ceased to be so exempt, it shall be lawful for the Collector to fix the assessment of the amount to be paid as land revenue on such land with effect from the date on which such land ceased to be so exempt or any subsequent date as he may deem fit.

(2) After the expiry of the period for which the assessment of any land is fixed under sub-section (1) the Collector may, from time to time, revise the same in accordance with the rules made in this behalf and the assessment so revised shall be fixed each time for such period not exceeding ninety-nine years as the Administrator may, by general or special order, specify.

(3) Nothing in this section shall be deemed to prevent the Collector from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue and the assessment so determined and registered shall be leviable as soon as the exemption is withdrawn, and shall for this purpose be deemed to be assessment fixed under this section.

Settlement
of assess-
ment to be
made with
holder.

64. The settlement of the assessment of each portion of land, or survey number, to land revenue shall be made with the person who is primarily responsible to the Government for the same.

Rates for
use of
water.

65. (1) Subject to such maximum limits as may be fixed by the Administrator, the Collector may levy such rates as he may, from time to time, deem fit for the use by holders and other persons, of water, the right to which vests in the Government.

(2) In fixing the maximum limits under sub-section (1), the Administrator shall have regard to the expenditure that the Government has incurred to provide the facility of supply of water from the source concerned, the benefit derived or to be derived by holders or other persons from the use of such facility and such other factors as he may consider relevant in the circumstances of the case.

(3) The rates levied under this section shall be assessed and collected by the prescribed authority.

(4) The maximum limits under this section may be fixed differently for different kinds of lands and such limits and the rates levied thereunder shall be liable to revision at such periods as the Administrator may, from time to time, determine and such rates shall be recoverable as an arrear of land revenue.

(5) All rates in force and levied immediately before the commencement of this Regulation for the use by holders and other persons of water the rights to which vest in the Government shall be deemed to have been fixed and levied under the provisions of this section.

Fixing of
assessment
to be
limited to
ordinary
and re-
venue.

66. The fixing of the assessment under the provisions of this Regulation shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Administrator to impose under the provisions of any law for the time being in force for purposes of local improvement, such as

schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 65 or of any law relating to irrigation for the time being in force.

67. (1) Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy together with all rights of the occupant over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture; whereupon, the Collector may subject to the provisions of sub-sections (2) and (3) levy all sums in arrears by sale of the occupancy or may otherwise dispose of such occupancy under rules made in this behalf and such occupancy when disposed of, whether by sale as aforesaid, or in any manner other than that provided by sub-sections (2) and (3) shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, encumbrances and equities thereof created in favour of any person other than the Government in respect of such occupancy.

Land revenue to be paramount charge on land.

(2) Where any occupancy is forfeited under sub-section (1), the Collector shall take possession thereof and may lease it to the former occupant thereof, or to any other person for a period of one year at a time so however, that the total holding of such occupant or, as the case may be, the other person does not exceed the ceiling area fixed in that behalf under the Dadra and Nagar Haveli Land Reforms Regulation, 1971.

(3) If within three years of the date on which the Collector takes possession of the occupancy under sub-section (2) the former occupant thereof applies for restoration of the occupancy, the Collector may restore the occupancy to the occupant on his paying arrears due from him as land revenue and a penalty equal to three times the assessment and if the occupant fails to get the occupancy restored to him within the period aforesaid, the occupancy or part thereof shall be disposed of by the Collector in the manner provided in sub-section (1).

68. It shall be lawful for the Collector in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under section 67 or any other law for the time being in force, to take immediate possession of such holding and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Regulation or any other law for the time being in force.

Forfeited holdings may be taken possession of and otherwise disposed of.

69. In order to prevent the forfeiture of an occupancy under the provisions of section 67 or of any other law for the time being in force, through non-payment of the land revenue due on account thereof by the person primarily liable for payment of it, it shall be lawful for any person interested to pay on behalf of such person all sums due on account of land revenue and the Collector shall on due tender thereof receive the same:

To prevent forfeiture of occupancy certain persons other than occupant may pay land revenue,

Provided that nothing authorised or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a court of competent jurisdiction.

Receipts.

70. Every revenue officer and every Talathi receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same.

Penalty for failure to grant receipts.

71. If any person fails to give a receipt as required by section 70, he shall on the application of the payer, be liable by an order of the Collector to pay a penalty not exceeding double the amount paid.

Reduction, suspension or remission of land revenue.

72. Notwithstanding anything contained in this Regulation, the Administrator may, in accordance with the rules or special orders made in this behalf, grant reduction, suspension or remission in whole or in part of land revenue in any area in any year due to failure of crops, flood, or any other natural calamity or for any reason whatsoever.

CHAPTER V**REVENUE SURVEYS****Introduction of revenue survey**

73. (1) It shall be lawful for the Administrator whenever it may seem expedient, to direct the survey of any land in any part of the Union territory with a view to assessment or settlement of the land revenue and to the recording and preservation of rights connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey may extend to the lands of any village or town generally or to such land only as the Administrator may direct, and subject to the orders of the Administrator, it shall be lawful for the officers conducting any such survey to exempt from the survey any land to which it may not seem expedient that such survey should be applied.

(2) The control of every revenue survey shall vest in and be exercised by the Administrator.

Survey officer may require by general notice or by summons suitable service from holders of land, etc.

74. It shall be lawful for a survey officer deputed to conduct or take part in any such survey under section 73 or a survey under section 80 or 81 to require by general notice or by summons the attendance of holders of land and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally or by usage bound to perform service by virtue of their respective offices, and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Assistance to be given by holders and others in measurement or classification of lands.

75. It shall be lawful for a survey officer, while conducting surveys mentioned in the preceding section, to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag holders, and in the event of a necessity for employing hired labour for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand.

76. (1) Except as hereinafter provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than the minimum to be fixed from time to time for the several classes of land by the Collector with the sanction of the Administrator and a record of the minima so fixed shall be kept in the office of the Mamlatdar and shall be open to the inspection of the public at reasonable times.

Survey numbers not to be of less than certain extent.

(2) The provisions of sub-section (1) shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Collector given either generally or in any particular instance in this behalf; and any survey number separately recognised in the land records shall be deemed to have been authorizedly made whatever be its extent.

77. It shall be lawful for the Administrator to direct at any time, a fresh survey or any operation subsidiary thereto:

Power of Administrator to direct fresh survey and revision of assessment.

Provided that, where a general classification of the soil of any area has been made a second time, or where any original classification of the soil of any area has been approved by the Administrator as final, no such classification shall again be made with a view to the revision of the assessment of such area except when the Administrator considers that owing to changes in the condition of the soil of such area or any errors in classification, such re-classification is necessary.

78. The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered in such records as may be maintained under the rules made by the Administrator in that behalf.

Entry survey numbers and sub-divisions in records.

79. (1) A holding may be partitioned on the decree of a civil court or on application of co-holders in the manner hereinafter provided.

Partition.

(2) If in any holding there are more than one co-holder, any such co-holder may apply to the Collector for a partition of his share in the holding:

Provided that, where any question as to title is raised, no such partition shall be made until such question has been decided by a civil court.

(3) Subject to the provisions of sub-section (4), the Collector may, after hearing the co-holders, divide the holding and apportion the assessment of the holding in accordance with the rules made by the Administrator in this behalf.

(4) The application under sub-section (2) shall be rejected if the partition applied for results in creating a holding, the area or land revenue of which will be below such limits as may be prescribed.

(5) Expenses properly incurred in making partition of a holding paying revenue to the Government shall be recoverable as a revenue demand in such proportion as the Collector may think fit from the co-holders at whose request the partition is made, or from the persons interested in the partition.

Division of
survey
numbers
into new
survey
numbers.

80. Notwithstanding anything contained in section 76 where any portion of cultivable land is permitted to be used under the provisions of this Regulation for any non-agricultural purpose or when any portion of land is specially assigned under section 21 or when any assessment is altered or levied on any portion of land under sub-section (2) or sub-section (3) of section 62 such portion may, with the sanction of the Collector, be made into a separate survey number at any time.

Division of
survey
numbers
into sub-
divisions.

81. (1) Survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised, in accordance with the rules made by the Administrator in this behalf:

Provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Regulation unless such assessment is liable to alteration under section 62.

(3) The area and assessment of sub-divisions shall be entered in such land records as may be prescribed.

Privilege of
title-deeds.

82. When the original survey of any land has been once completed, approved and confirmed, under the authority of the Administrator, no person shall, for the purposes of subsequent surveys of the said land undertaken under the provisions of this Chapter, be compelled to produce his title-deeds to such land or to disclose their contents.

Continuance
of survey
operations
at the com-
mencement
of the Re-
gulation.

83. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force or otherwise and continuing at the commencement of this Regulation shall be deemed to have been commenced and to be continuing under the provisions of this Chapter.

CHAPTER VI

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF AGRICULTURAL LAND

Interpreta-
tion.

84. In this Chapter, unless the context otherwise requires,—

(a) "classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, situation, water and other advantages;

(b) "class of land" means any of the following classes of land, namely, warkas, dry crop, paddy or garden land;

(c) "group" means all lands in a zone, which in the opinion of the Administrator or an officer authorised by him in this behalf, are sufficiently homogeneous in respect of matters enumerated in sub-section (2) of section 88 to admit of the application to them of the same standard rates for the purpose of assessment of land revenue;

(d) "land of sixteen annas classification" means land having sixteen annas classification value according to the scheme of soil classification sanctioned by the Administrator;

(e) "settlement" means the result of the operations conducted in a zone to determine the land revenue assessment therein;

(f) "standard rate" means with reference to any particular class of land, the value (not exceeding one twenty-fifth) of the average yield of crops per hectare for that class of land of sixteen annas classification;

(g) "term of settlement" means the period for which the Administrator has declared that a settlement shall remain in force;

(h) "zone" means a local area comprising a village or a group of villages or portions thereof, which in the opinion of the Administrator or an officer authorised by him, in this behalf, is contiguous and homogeneous in respect of—

- (i) physical configuration,
- (ii) climate and rainfall,
- (iii) principal crops grown in the local area, and
- (iv) soil characteristics.

85. (1) Before directing a settlement or fresh settlement of any land under section 86, the Administrator shall cause a forecast of the probable results of the settlement to be prepared in accordance with such instructions as may be issued by him for the purpose. Forecast as to settlement.

(2) A notice of the intention of the Administrator to make the settlement together with proposals based on the said forecast for the determination or revision of land revenue and the term for which the settlement is to be made shall be published for objections in such manner as the Administrator may determine.

(3) The Administrator shall take into consideration any objections which may be received from the persons concerned, before directing the settlement.

86. Subject to the provisions of section 85, the Administrator may at any time direct a settlement of land revenue of any land (hereinafter referred to as an "original settlement"), or a fresh settlement thereof (hereinafter referred to as "revision settlement"), whether or not a revenue survey thereof has been made under section 73: Power of Administrator to direct original or revision settlement of land revenue of any lands.

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

87. A settlement shall remain in force for a period of thirty years and on the expiry of such period, the settlement shall continue to remain in force until the commencement of the term of a fresh settlement. Term of settlement.

88. (1) The assessment of land revenue on all lands in respect of which a settlement has been directed under section 86 and which are not wholly exempt from the payment of land revenue shall, subject to the limitations contained in the first proviso to sub-section (1) of section 63, be determined by dividing the lands to be settled into groups and fixing the standard rates for each group in accordance with the rules made by the Administrator in this behalf. Assessment how determined.

(2) The matters specified in clause (a) of this sub-section shall ordinarily be taken into consideration in forming groups, but those specified in clause (b) thereof may also where necessary be taken into consideration for that purpose:—

- (a) (i) physical configuration,
- (ii) climate and rainfall,
- (iii) prices, and
- (iv) yield of principal crops;

- (b) (i) markets,
- (ii) communications,
- (iii) standard of husbandry,
- (iv) population and supply of labour,
- (v) agricultural resources,
- (vi) variations in the area of occupied and cultivated lands during the last thirty years,
- (vii) wages,

(viii) ordinary expenses of cultivating principal crops, including the value of labour in cultivating the land in terms of wages.

(3) The land revenue assessment of individual survey numbers and sub-divisions shall be fixed by the officer making the settlement (hereinafter referred to as the Settlement Officer) on the basis of their classification value in the prescribed manner.

Increase in average yield due to improvements at the expense of holder not to be taken into consideration.

89. If any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the average yield of crops of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof.

Settlement Officer how to proceed for making settlement.

90. In making a settlement, the Settlement Officer shall proceed as follows:—

- (1) He shall divide the lands to be settled into groups as provided by section 88.
- (2) He shall ascertain in the prescribed manner the average yield of crops of lands for the purposes of the settlement.
- (3) He shall then fix standard rates for each class of land in each group on a consideration of the relevant matters as provided in sub-section (2) of section 83.
- (4) He shall hold an enquiry in the prescribed manner.
- (5) He shall submit to the Collector in the prescribed manner a report (hereinafter referred to as the "settlement report"), containing his proposals for the settlement.

Settlement report to be published.

91. (1) On submission of a settlement report, the Collector shall cause such report to be published in the prescribed manner.

(2) There shall also be published in each village a notice in English, Gujarati and Marathi stating for each class of land in the village the existing standard rate and the extent of any increase or decrease proposed therein by the Settlement Officer and such notice shall also state

that any person may submit to the Collector his objections in writing to the proposals contained in the settlement report within three months from the date of such notice.

92. After taking into consideration such objections as may have been received by him, the Collector shall forward to the Administrator the settlement report with his remarks thereon.

Submission to Administrator of settlement report with settlement of objections, etc. and Collector's remarks thereon.

93. (1) The settlement report, together with the objections, if any, received thereon shall be considered by the Administrator who may pass such orders thereon as he may deem fit:

Orders on settlement report.

Provided that no increase in the standard rate proposed in the settlement report shall be made by the Administrator, unless a fresh notice as provided in section 91 has been published in each village affected by such rates and objections received, if any, have been considered by the Administrator.

(2) The orders passed by the Administrator under this section shall be final and shall not be called in question in any court.

94. (1) The Administrator may at the time of passing orders under section 93 exempt any land from assessment under this Chapter for any advantage or specified kind of advantage accruing to it from water.

Power of Administrator to exempt from assessment for water advantages.

(2) The Administrator may at any time during the term of the settlement, after publishing a notice in English, Gujarati and Marathi in the village concerned and after the expiry of a period of six months from the date of the publication of such notice withdraw any exemption granted by him under sub-section (1) and direct that such land shall be assessed for such advantage.

95. After the Administrator has passed order under section 93 and notice of the same has been given in the prescribed manner, the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the Administrator may direct:

Introduction of settlement.

Provided that, in the year in course of which a settlement, whether original or revised, is introduced under this section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former shall be remitted and the revised assessment shall be levied only from the next following year:

Provided further that, in the year next following that in which any original or revised settlement is introduced, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers or sub-divisions of survey numbers held by him shall, on relinquishing such number or sub-division in the manner provided by section 53, receive a remission of the increase so imposed.

96. (1) Any person claiming to hold wholly or partially free of land revenue as against the Government any land shall be bound to prove his title thereto to the satisfaction of the Settlement Officer.

Claims to hold land free of land revenue.

(2) If he so proves his title, the case shall be reported by the Settlement Officer for the orders of the Administrator.

Assessment of lands wholly exempt from payment of land revenue.

97. (1) Nothing in this Chapter shall be deemed to prevent the Settlement Officer from determining and registering the proper full assessment of lands wholly exempt from the payment of land revenue.

(2) The assessment so determined and registered shall be leviable as soon as the exemption is withdrawn and shall be deemed for this purpose, to have been fixed under the provisions of this Chapter.

Power of Administrator to direct assessment for water advantages.

98. Notwithstanding anything contained in this Chapter, the Administrator may direct at the time of passing orders under section 93 that any land in respect of which a settlement is made under this Chapter shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements on existing irrigation works completed after the Administrator has directed the settlement under section 86 and not affected by or at the expense of the holder of the land, and only when no rate in respect of such additional advantages is levied under any law relating to irrigation for the time being in force:

Provided that, the Administrator shall, before making such direction, publish a notice in this behalf, in English, Gujarati and Marathi in the village concerned and shall consider the objections, if any received to the proposal contained therein, and no such direction shall be issued until after the expiry of a period of six months from the date of publication of such notice.

Power of Collector to correct errors.

99. The Collector may, at any time during the term of settlement after giving notice to the holder, correct any error in the area or assessment of his holding due to mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction; but excess payment as land revenue made, if any, shall be adjusted against the payment of land revenue which may become due.

Settlements made and assessment rates fixed before the commencement of the Regulation to be deemed to be made and fixed under this Chapter.

100. Notwithstanding anything contained in this Chapter, all settlements of land revenue of agricultural lands made and all assessment rates fixed with respect thereto before the commencement of this Regulation and continuing in operation at such commencement shall be deemed to have been made and fixed in accordance with the provisions of this Chapter and shall continue to remain in operation until the introduction of revised settlements and revised assessment rates under the provisions of this Regulation and all settlement proceedings conducted before such commencement may be continued under the provisions of this Regulation as if such proceedings had been conducted under this Chapter.

CHAPTER VII

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF LANDS USED FOR NON-AGRICULTURAL PURPOSES

Interpretation.

101. In this Chapter, unless the context otherwise requires, "full market value" in relation to any land means an amount equal to the market value of that land *plus* the amount representing the capitalised assessment for the time being in force.

102. Subject to any exemptions contained in the first proviso to section 63, the non-agricultural assessment of lands shall be determined with reference to the use of the land for non-agricultural purposes and having regard to urban and non-urban areas in which the lands are situated; and shall be determined and levied in accordance with the provisions of this Chapter.

Non-agricultural assessment of lands to be determined on basis of their non-agricultural use and having regard to urban and non-urban areas.

103. (1) The Collector shall, subject to the approval of the Administrator by notification in the Official Gazette, divide the villages in non-urban areas into two classes—Class I and Class II—on the basis of the market values of lands, due regard being had to the situation of the lands, the non-agricultural purpose for which they are used, and the advantages and disadvantages attaching thereto.

Procedure for determining non-agricultural assessment of lands in non-urban areas

(2) The Collector shall, subject to the general or special orders of the Administrator, assess lands falling in Class I according to the non-agricultural purpose for which they are used at a rate not exceeding two paise per square metre per year, and those falling in Class II at a rate not exceeding one paise per square metre per year, regard being had to the market value of lands used for the non-agricultural purpose, so however, that the assessment so fixed is not less than the agricultural assessment which may be leviable on such land.

104. The Collector shall divide urban areas into blocks on the basis of the market value of lands, due regard being had to the situation of the lands, the non-agricultural purposes for which they are used, and the advantages and disadvantages attaching thereto.

Procedure for determining non-agricultural assessment in urban areas.

105. The non-agricultural assessment on lands in each block in an urban area shall not exceed three per cent. of the full market value thereof, when used as a building site.

Non-agricultural assessment not to exceed three per cent. of full market value.

106. (1) Subject to the provisions of section 105, the Collector shall, with the approval of the Administrator, fix the rate of non-agricultural assessment per square metre of land in each block in an urban area (to be called "the standard rate of non-agricultural assessment") at such percentage of the full market value of such land as may be prescribed.

Power of Collector to fix standard rate of non-agricultural assessment.

Explanation.—For the purposes of this sub-section, the full market value shall be estimated in the prescribed manner on the basis of sales of land during the period of fifteen years immediately preceding the year in which the standard rate of non-agricultural assessment is to be fixed.

(2) The standard rate of non-agricultural assessment shall remain in force for a period of ten years; and shall thereafter be deemed to be in force, until such rate is revised in accordance with the provisions of this Chapter.

(3) The standard rates of non-agricultural assessment fixed or revised as aforesaid shall be published in the Official Gazette, and in such other manner as may be prescribed before they are brought into force.

107. (1) Subject to the provisions of this section, the rate of assessment in respect of lands in urban areas—

Rate of assessment of lands used for non-agricultural purposes.

(a) used for purposes of residential buildings, shall be the standard rate of non-agricultural assessment;

(b) used for the purposes of industry, shall be one and one-half times the standard rate of non-agricultural assessment;

(c) used for purposes of commerce, shall be twice the standard rate of non-agricultural assessment;

(d) used for any other non-agricultural purpose,

shall be fixed by the Collector at a rate not less than the standard rate of non-agricultural assessment, and not exceeding one and one-half times that standard rate, regard being had to the situation, and special advantages or disadvantages attaching to such lands.

(2) Where any land is used for any non-agricultural purposes for a period of six months or less, the non-agricultural assessment shall be half of that fixed for land used for that non-agricultural purpose.

(3) Notwithstanding anything contained in this section, the Collector may in respect of any land in a block fix the non-agricultural assessment for that land at a rate not less than seventy-five per cent. of the rate fixed in sub-section (1) but not exceeding by twenty-five per cent. the rate so fixed, for the particular use, regard being had to the situation, and special advantages or disadvantages attaching to such land.

Date of
commen-
cement
of non-
agricul-
tural as-
sessment.

108. The non-agricultural assessment shall be levied with effect from the date on which any land is actually used for a non-agricultural purpose.

Term of
assess-
ment
fixed
under
sections
103 and
107.

109. The non-agricultural assessment fixed according to the provisions of sections 103 and 107 shall remain in force for a period of fifteen years from the date on which the land is actually used for the non-agricultural purpose, or as the case may be, from the date of change of user of the land; and on the expiry of such period, it shall be liable to revision; but till the assessment is revised, the assessment fixed as aforesaid shall continue in force:

Provided that, where non-agricultural assessment in respect of which no guarantee period has been fixed or where guarantee period of any non-agricultural assessment is co-terminus with the period of settlement of agricultural lands, the non-agricultural assessment in such cases may be revised after a period of thirty years from the date on which such non-agricultural assessment was initially fixed:

Provided further that, when the non-agricultural assessment is revised, the revised assessment shall not exceed two times the land revenue payable immediately before the revision, if the land is used for purposes of residential buildings, and shall not exceed six times the land revenue payable immediately before revision, if the land is used for any other non-agricultural purpose.

Lands
exempt
from
payment of
non-agricul-
tural assess-
ment.

110. Lands used for the following purposes shall be exempt from the payment of the non-agricultural assessment, namely:—

(1) lands used by an agriculturist for an occupation subsidiary or ancillary to agriculture, such as the erection of sheds for hand-loom, poultry farming, or gardening, or such other occupations as the Administrator may specify in rules made in that behalf;

(2) lands used for purposes connected with the disposal of the dead;

(3) lands solely occupied and used for public worship and which were exempt from payment of land revenue by custom, grant or otherwise before the commencement of this Regulation;

(4) lands used for an educational or a charitable purpose the benefit of which is open to all citizens without distinction of religion, race, caste, place of birth or any of them;

(5) lands used for any other public purpose which the Administrator may by rules made under this Regulation declare to be exempt, for such period subject to such conditions as may be specified therein;

(6) such agricultural lands (outside a *gaothan*, if any) in a non-urban area converted to non-agricultural use for purposes of residential building as the Administrator may, by notification in the Official Gazette, specify.

111. It shall be lawful for the Administrator to direct that any land which is exempt under the provisions of section 110 from payment of non-agricultural assessment shall cease to be so exempt if the land is used for any purpose other than that for which the exemption is provided; and thereupon the land shall be liable to payment of the assessment according to the provisions of this Chapter, and in addition, to such fine as the Collector may, subject to the general orders of the Administrator direct.

Revocation of exemption.

112. Nothing in this Chapter shall be deemed to prevent the Collector from determining and registering the proper full non-agricultural assessment on lands wholly exempt from payment of such assessment.

Non-agricultural assessment of lands wholly exempt from payment of land revenue.

113. The non-agricultural assessment fixed on lands and in force in any part of the Union territory immediately before the commencement of this Regulation shall be deemed to have been fixed under the provisions of this Chapter and shall, notwithstanding anything contained in this Chapter, be deemed to continue to remain in force during the whole of the period for which the assessment was fixed, and thereafter, until such assessment is revised under the provisions of this Chapter.

Non-agricultural assessment fixed before commencement of the Regulation to continue in force until altered.

CHAPTER VIII

OF LANDS WITHIN THE SITES OF VILLAGES AND TOWNS

114. The provisions of this Chapter shall apply to all lands situated within the site of a village or town.

Application of Chapter.

115. It shall be lawful for the Collector or for a survey officer acting under the general or special orders of the Administrator, to ascertain and determine what lands are included within the site of any village or town and to fix and from time to time, to vary, the limits of the site determined as aforesaid, regard being had to all subsisting rights of landholders.

Limits on sites of villages and towns how to be fixed.

116. No land revenue shall be levied—

(a) on lands which are situated within the sites of a village or town and which are not used for purposes of agriculture; and

No land revenue to be levied in certain cases.

(b) on lands which are exempted from the payment of assessment immediately before the commencement of this Regulation either under the provisions of any law in force before such commencement or by virtue of any custom, usage, grant, sanad, order or agreement.

Right to exemption to be determined by Collector.

117. (1) Every claim to exemption under section 116 shall be determined by the Collector after a summary inquiry, and his decision shall, subject to the provisions of sub-section (2), be final.

(2) Any person aggrieved by any order made under sub-section (1) may institute a civil suit to contest the validity of the order within a period of two years from the date of such order.

Pardi and wada lands exempted from payment of land revenue.

118. *Pardi* land not exceeding ten acres, and *wada* land, used only for an agricultural purpose or a purpose subsidiary or ancillary thereto, shall be exempt from the payment of land revenue:

Provided that in the case of *pardi* land the holder thereof shall be liable to the payment of non-agricultural assessment or fine, as the case may be, under sections 42, 43 and 62 for alteration of the use for any purpose from agricultural use.

Survey of lands in village sites how to be conducted.

119. If the Administrator shall at any time deem it expedient to direct a survey of lands other than those used ordinarily for the purposes of agriculture only within the site of any village or town under the provisions of section 73 or a fresh survey thereof under the provisions of section 77, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters V and IX of this Regulation:

Provided that nothing contained in section 74, 75 or 126 shall apply to any such survey in any town having a population of more than two thousand.

Survey fee to be charged in certain cases.

120. (1) Where a survey is extended under the provisions of section 119 to the site of any village or town having a population of more than two thousand, each holder of a building site therein shall be liable to the payment of a survey fee assessed on the area and ratable value of such site.

(2) The amount of survey fee payable under sub-section (1) shall be regulated by the Collector in accordance with the rules made by the Administrator in this behalf.

(3) The survey fee shall be payable within six months from the date of a public notice to be given in this behalf by the Collector after the completion of the survey of the site of the village or town, or of such part thereof as the notice shall refer to.

Maps of village sites.

121. (1) The results of the operations conducted under section 119 shall be recorded in such manner in such maps and registers as may be prescribed.

(2) If any village panchayat passes a resolution that a map of a village-site should be prepared showing the plots occupied by the holders

and that it is willing to contribute to the cost of preparing such maps in such proportion as may be prescribed, the Administrator may undertake the preparation of such maps.

122. (1) Every holder of a building site and every holder of a building site newly formed or first used as such, after the completion of a survey under section 119 shall be entitled, where the holder is required to pay survey fee provided therefor to receive from the Collector without extra charge one or more sanads, in the form specified in Schedule C or to the like effect specifying by plan and description the extent and conditions of his holding and where a holder is not required to pay any survey fee, he shall be entitled to receive such sanad or sanads on payment of a fee of one rupee per sanad:

Sanad to be granted without extra charges.

Provided that if such holder does not apply for such sanad or sanads at the time of payment of the survey fee or thereafter within one year from the date of the public notice issued by the Collector under section 120, the Collector may require him to pay an additional fee not exceeding one rupee for each sanad.

(2) Every sanad granted under this section shall be executed on behalf of the Administrator by such person as he may direct or authorise.

123. After a survey has been made under section 119, and after sanads have been granted under section 122, every holder of a building site whose holding is altered by increase, decrease, sub-division, alteration of tenure or otherwise shall be entitled, on payment of a correction fee to be fixed by regulations made by the Collector with the sanction of the Administrator for each village or town to receive from the Collector a fresh sanad in the form specified in Schedule C or to the like effect specifying by plan and description the extent and conditions of his altered holding or, as the case may be, to have the sanad already granted to him under section 122 amended by the Collector.

Grant of sanad on alteration of holding.

124. If any holder informs the Collector that the sanad granted to him has been lost or destroyed by accident, a copy of the sanad granted to him under section 122 or 123 may be given to him on payment of such charges or fees, if any, as may be prescribed.

Duplicate sanads may be granted.

CHAPTER IX

BOUNDARIES AND BOUNDARY MARKS

125. Boundaries of all villages in the Union territory and of all survey numbers in villages therein shall be fixed and demarcated by boundary marks.

Fixation and demarcation of boundaries.

126. The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined by survey officers, or by such other officers as may be appointed by the Administrator for the purpose, after holding a formal inquiry at which the village officers and all persons interested have an opportunity of appearing and producing evidence.

Determination of village boundaries.

127. If at the time of a survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation and, if disputed, or if the said holder or person in occupation

Determination of field boundaries.

be not present, it shall be fixed by the survey officer according to the land records and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

Disputes
regarding
boundaries
between
villages,
survey
numbers
and sub-
divisions.

128. If any dispute arises concerning the boundary of a village or a field or a holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any village or survey number or sub-division of a survey number, it shall be decided by the Collector after holding a formal inquiry at which the village officers and all persons interested shall have an opportunity of appearing and producing evidence.

Demarcation
of bound-
aries of survey
number or
sub-division.

129. (1) The Collector may, on the application of a party interested, demarcate the boundaries of a survey number or of a sub-division and construct boundary marks thereon.

(2) The Administrator may make rules for regulating the procedure of the Collector in demarcating the boundaries of a survey number or of a sub-division, prescribing the nature of the boundary marks to be used, and authorising the levy of fees from the holders of land in a demarcated survey number or sub-division.

(3) Survey numbers and sub-divisions demarcated under the provision of this section shall be deemed to be survey numbers for purposes of sections 125, 128, 132 and 133.

Straightening
out crooked
boundaries.

130. (1) When any person (in this section referred to as the applicant) desires to regularise or straighten out the boundaries of any of his fields or holdings in a village, he may make an application in that behalf to the survey officer.

(2) Every application made under sub-section (1) shall be accompanied by a sketch showing the boundaries of his field or holding, and the names of holders adjoining thereto.

(3) If on receipt of the application, the survey officer in the interest of better cultivation of the field or holding and easier maintenance of boundary marks, deems it expedient to regularise or straighten out the boundaries of the field or holding as desired by the applicant, he may prepare a plan to revise the boundaries of such field or holding and determine the amount of compensation to be paid by the applicant to persons who would suffer loss of land on account of such revision and publish the same in the village in such manner as may be prescribed.

(4) In revising the boundaries under sub-section (3), the survey officer shall be guided by such rules as may be made by the Administrator in this behalf.

(5) The amount of compensation shall be determined by the survey officer under sub-section (4), so far as practicable in accordance with the provisions of section 23 of the Land Acquisition Act, 1894.

1 of 1894.

(6) If the applicant and the persons who suffer loss of land agree to the plan prepared and the compensation determined by the survey officer, the survey officer shall record their agreement and revise the boundaries

and fix them accordingly and such agreement shall be binding on the applicant and such persons, and the amount of compensation payable by any person thereunder shall be recoverable from him as an arrear of land revenue.

(7) (a) In the absence of mutual agreement, the survey officer shall refer the question of the amount of compensation to be paid or recovered by each person concerned for decision—

(i) to a village committee consisting of such number and elected by the applicant and persons suffering loss of land in such manner as may be prescribed;

(ii) on the failure to elect such village committee, to a committee consisting of three persons nominated by the survey officer with the approval of the Collector.

(b) The decision of the village committee or the committee nominated by the survey officer as the case may be, shall be final and binding on all the parties concerned and the amount of compensation payable by the applicant thereunder shall be recoverable from him as an arrear of land revenue and when such decision is given, the plan prepared by the survey officer, so far as it relates to revision of boundaries, shall also become final and the boundaries shall be deemed to be fixed accordingly.

(8) When the boundary is so fixed under this section, it shall be deemed to be a settlement of boundary for the purposes of section 131.

131. (1) The settlement of a boundary under any of the foregoing provisions of this Chapter shall be determinative—

Effect of
settlement
of bound-
ary.

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been settled as aforesaid, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

(3) An order of ejectment under sub-section (2) shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Regulation.

(4) Where any person has been ejected or is about to be ejected from any land under the provisions of sub-section (2), he may, within a period of one year from the date of the ejectment or the settlement of the boundary, institute a civil suit to establish his title thereto:

Provided that the Administrator or the Collector, or any revenue or survey officer as such shall not be made a party to such suit.

(5) Where a civil suit has been instituted under sub-section (4) against any order of ejectment, such order shall not be subject to appeal or revision.

(6) The Collector may at any time make an order for redistribution of land revenue which in his opinion, should be made as a result of the decision of the appeal or revision, or as the case may be, the suit, and such redistribution shall take effect from the beginning of the revenue year following the date of the order.

Construction and repair of boundary marks of Survey numbers and villages, etc.

132. (1) It shall be lawful for any survey officer authorised by the Collector or Settlement Officer, to specify or cause to be constructed, laid out, maintained or repaired boundary marks and survey marks of villages or survey numbers or sub-divisions of survey numbers, whether cultivated or uncultivated and to assess all charges incurred thereby on the holders or others having an interest therein.

(2) Such officer may by notice in writing require landholders to construct, lay out, maintain or repair within a specified time, the boundary marks or survey marks of their respective survey numbers or sub-divisions; and on their failure to do so the survey officer shall construct, lay out or repair them and assess all charges incurred thereby as hereinbefore provided.

(3) The boundary marks and survey marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules made by the Administrator in this behalf, be determined by the Collector according to the requirement of soil, climate, durability and cheapness of materials.

Responsibility for maintenance of boundary marks and survey marks.

133. Every landholder shall be responsible for the maintenance and good repair of the boundary marks and survey marks of his holding, and for any charges reasonably incurred on account of the same by the revenue or survey officers in cases of alteration, removal or disrepair and it shall be the duty of the village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks or survey marks.

Collector to have charge of boundary marks and survey marks after introduction of survey.

134. When a survey is introduced, the charge of the boundary marks and survey marks shall devolve on the Collector, and it shall be his duty to take measures for their construction, laying out, maintenance and repair, and for this purpose the powers conferred on survey officers by section 132 shall vest in him.

Demarcation and maintenance of boundary marks between holding and village road.

135. (1) Unless the boundaries of his land are demarcated and fixed under any of the foregoing provisions of this Chapter, every holder of the land adjoining a village road shall, at his own cost and in the manner prescribed—

(a) demarcate the boundary between his land and village road adjoining it by boundary marks; and

(b) repair and renew such boundary marks from time to time.

(2) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1), the Collector may, after such notice as he deems fit, cause the boundary to be demarcated or the boundary marks to be repaired or renewed and may recover the cost incurred as an arrear of land revenue.

(3) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state of repair the matter shall be decided by the Collector whose decision shall be final.

Explanation.—Village road for the purposes of this section means a road which has been recorded in the record of rights or village maps.

136. (1) The Mamlatdar may inquire into and decide claims by persons holding land in a survey number to a right of way over the boundaries of other survey numbers. Right of way, over boundaries.

(2) In deciding such claims, the Mamlatdar shall have regard to the needs of cultivators for reasonable access to their fields.

(3) The Mamlatdar's decision under this section shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Regulation.

(4) Any person who is aggrieved by a decision of the Mamlatdar under this section may, within a period of one year from the date of such decision, institute a civil suit to have it set aside or modified.

(5) Where a civil suit has been instituted under sub-section (4) against the Mamlatdar's decision, such decision shall not be subject to appeal or revision.

137. As soon as possible after a final town-planning scheme or improvement scheme has come into force in any area under any law in force it shall be the duty of the Collector to alter the boundaries fixed and demarcated under the provisions of this Chapter, so as to accord with the plots, reconstituted or laid out under such scheme; and for that purpose, he may cause to be erected, constructed and laid out boundary marks of such plots and thereupon, the provisions of this Chapter for the recoveries or charges shall apply to each plot as they apply in relation to the construction, maintenance and repair of boundary marks. Demarcation of boundaries in areas under town planning scheme or improvement scheme.

138. Any person who after a summary inquiry before the Collector, or before a survey officer or Mamlatdar is proved to have wilfully erased, removed or injured a boundary mark or survey mark shall be liable to a fine not exceeding one hundred rupees for each mark so erased, removed or injured. Penalty for injuring boundary marks.

139. The Administrator may, by notification in the Official Gazette, declare that all or any of the provisions of this Chapter shall not apply to any village or class of villages. Power to exempt from operation of this Chapter.

CHAPTER X

LAND RECORDS

A.—Record of rights

140. The Administrator may, by notification in the Official Gazette, direct that the provisions of sections 141 to 152 (both inclusive) or any part thereof, shall not be in force in any specified local area, or with reference to any class of villages or lands, or generally. Exemption from provisions of sections 141 to 152.

Record of
Rights.

141. A record of rights shall be maintained in every village and such record shall include the following particulars, namely:—

(a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land;

(b) the names of all persons who are holding as Government lessees or tenants including tenants within the meaning of the Dadra and Nagar Haveli Land Reforms Regulation, 1971.

(c) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;

(d) the rent or revenue, if any, payable by or to any of such persons;

(e) such other particulars as the Administrator may prescribe by rules made in this behalf, either generally or for purposes of any area specified therein.

Acquisition
of rights to
be reported.

142. Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord, Government lessee or tenant of any land, shall report orally or in writing his acquisition of such right to the *Talathi* within three months from the date of such acquisition, and the *Talathi* shall at once give a written acknowledgement of the receipt of such report to the person making it:

Provided that, where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the *Talathi*.

Provided further that, where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of this Regulation or the rules made thereunder or any other law for the time being in force, such person shall, on being required by the *Talathi* so to do, produce such evidence of the order by which such permission is given as may be required by rules made under this Regulation.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

4 of 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determined, acquires a right within the meaning of this section.

Explanation III.—For the purpose of this Chapter the term "*Talathi*" includes any person appointed by the Collector to perform the duties of a *Talathi* under this Chapter.

Register of
mutations
and register
of disputed
cases.

143. (1) The *Talathi* shall enter in a register of mutations every report made to him under section 142 or any intimation of acquisition or transfer received under section 147 or from the Collector.

(2) Whenever a *Talathi* makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the *chavdi*, and shall give written intimation to all

persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other persons whom he has reason to believe to be interested therein.

(3) When any objection to any entry made under sub-section (1) in the register of mutations is made either orally or in writing to the *Talathi*, it shall be the duty of the *Talathi* to enter the particulars of the objection in a register of disputed cases and the *Talathi* shall at once give a written acknowledgement for the objection to the person making it in the prescribed form.

(4) Disputes entered in the register of disputed cases shall as far as possible be disposed of within one year by a revenue or survey officer not below the rank of an Aval Karkun and orders disposing of objections entered in such register shall be recorded in the register of mutations by such officer in such manner as may be prescribed by rules made by the Administrator in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Administrator in this behalf:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by any revenue or survey officer not below the rank of an Aval Karkun in such manner as may be prescribed:

Provided that no such entries shall be certified unless notice in that behalf is served on the parties concerned.

(7) The Administrator may direct that a register of tenancies shall be maintained in such manner and in accordance with such procedure as may be prescribed.

144. (1) Any person whose rights, interests or liabilities are required to be, or have been, entered in any record or register under this Chapter shall be bound, on the requisition of any revenue officer or *Talathi* engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(Obligation to furnish information; obligation to furnish entries from record of rights, etc., to holder or tenant in booklet form and to maintain booklet, etc.)

(2) A revenue officer or a *Talathi* to whom any information is furnished or before whom any document is produced in accordance with the requisition under sub-section (1), shall at once give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof and may return the same immediately after keeping a copy of it, if necessary.

(3) Every holder of agricultural land (including a tenant if he is liable to pay land revenue therefor), on making an application in that behalf in writing, may be supplied by the *Talathi* with a booklet containing a copy of the record of rights pertaining to such land.

(4) The booklet shall also contain information regarding the payment of land revenue in respect of land and other Government dues by the holder or, as the case may be, the tenant and also information as respects the cultivation of his land and the areas of crops sown in it as shown in the village accounts and such other matters as may be prescribed.

(5) Every such booklet shall be prepared, issued and maintained in accordance with the rules made by the Administrator in that behalf and such rules may provide for fees to be charged for preparing, issuing and maintaining the booklet.

Fine for neglect to afford information.

145. Any person neglecting to make the report required by section 142 or furnish the information or produce the documents required by section 144 within the period specified in that section shall be liable, at the discretion of the Collector, to be charged a fine not exceeding five rupees, which shall be recoverable as an arrear of land revenue.

Requisition of assistance in preparation of maps.

146. Subject to rules made in this behalf by the Administrator—

(a) any revenue officer or a *Talathi* may for the purpose of preparing or revising any map or plan required for, or in connection with, any record or register under this Chapter exercise any of the powers of a survey officer under sections 74 and 75 except the power of assessing the cost of hired labour under section 75; and

(b) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate and such costs shall be recoverable as an arrear of land revenue.

Intimation of transfers by registering officer.

147. When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Registration Act, 1908, the officer registering the document shall send intimation to the *Talathi* of the village in which the land is situate and to the Mamlatdar, in such form and at such times as may be prescribed. 16 of 1908.

Correction of clerical errors.

148. The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record of rights or registers maintained under this Chapter or which a revenue officer may notice during the course of his inspection:

Provided that, when any error is noticed by a revenue officer during the course of his inspection, no such error shall be corrected unless a notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

Land records.

149. In addition to the map, the registers and the record of rights, there shall be prepared for each village such other land records as may be prescribed.

150. An entry in the record of rights, and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Presumption of correctness of entries in record of rights and register of mutations.

151. No suit shall lie against the Government or any officer of Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended.

Bar of suits.

152. Until the record of rights for any area in the Union territory is prepared in accordance with the provisions of this Chapter, the existing record of rights in force in that area shall be deemed to be the record of rights prepared under this Chapter.

Record of rights at the commencement of Regulation.

B.—Rights in unoccupied land

153. The provisions of sections 154 to 160 (both inclusive) shall apply to those areas in the Union territory to which provisions corresponding thereto applied immediately before the commencement of this Regulation; but the Administrator may, by notification in the Official Gazette, apply the sections aforesaid to such other areas in the Union territory as may be specified in the notification.

Application of provision of sections 154 to 160.

154. (1) The Collector shall consistently with the provisions of this Regulation and the rules made thereunder, prepare a *Nistar Patrak* embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto, and more particularly the matters specified in section 155.

Nistar Patrak.

(2) A draft of the *Nistar Patrak* shall be published in the village and after ascertaining the wishes of the residents of the village in the manner determined by the Collector, it shall be finalized by the Collector.

(3) On a request being made by the village *panchayat*, or where there is no village *panchayat*, on the application of not less than one-fourth of the adult residents of a village, the Collector may, at any time, modify any entry in the *Nistar Patrak* after such enquiry as he deems fit.

155. The following matters shall be provided in a *Nistar Patrak*, that is to say:—

Matters to be provided for in *Nistar Patrak.*

(a) the terms and conditions on which grazing of cattle in the village will be permitted;

(b) the terms and conditions on which and the extent to which any resident of the village may obtain—

(i) wood, timber, fuel or any other forest produce;

(ii) mooram, kankar, sand, earth clay, stones or any other minor mineral;

(c) the instructions regulating generally the grazing of cattle and the removal of articles mentioned in clause (b);

(d) any other matter required to be recorded in the *Nistar Patrak* by or under this Regulation.

Provision
in *Nistar*
Patrak
for
certain
matters.

156. In preparing a *Nistar Patrak* the Collector shall, as far as possible, make provision for—

- (a) free grazing of the cattle used for agriculture;
- (b) removal free of charge by the residents of the village for their *bona fide* domestic consumption of any—
 - (i) forest product;
 - (ii) minor minerals;
- (c) the concessions to be granted to the village craftsmen for the removal of articles specified in clause (b) for the purpose of their craft.

Right in
waste
land of
another
village.

157. (1) Where the Collector is of the opinion that waste land of any village is insufficient and it is in the public interest to proceed under this section, he may after such enquiry as he deems fit, order that the residents of the village shall have a right of *Nistar* or a right of grazing cattle, as the case may be, in the neighbouring village to the extent specified in the order.

(2) The residents of a village having a right of grazing cattle in the neighbouring village under sub-section (1), or Government forest may make an application to the Collector for recording their right of passage for the purpose of exercising the rights.

(3) If, on enquiry into an application made under sub-section (2), the Collector finds that the right of passage is reasonably necessary to enable such residents to exercise a right to graze their cattle in any other village or in a Government forest, he shall pass an order declaring that such right of passage exists and shall state the conditions upon which it shall be exercised.

(4) The Collector shall, thereupon, determine the route of passage through unoccupied land and shall restrict such route in such manner as to cause minimum inconvenience to the residents of the village through which it passes.

(5) The Collector may, if he thinks fit, demarcate such route.

(6) Every order passed by the Collector under this section shall be recorded in the *Nistar Patrak*.

Wajib-ur-
arz.

158. (1) As soon as may after the commencement of this Regulation, the Collector shall, according to any general or special orders made by the Administrator in that behalf, ascertain and record the customs in each village in regard to—

- (a) the right to irrigation or right of way or other easements,
- (b) the right to fishing.

in any land or water not belonging to or controlled or managed by the Government or a local authority, and such records shall be known as the *Wajib-ur-arz* of the village.

(2) The record made in pursuance of sub-section (1) shall be published by the Collector in such manner as he may deem fit and it shall, subject to the decision of a civil court in a suit instituted under sub-section (3), be final and conclusive.

(3) Any person aggrieved by any entry made in such record may, within one year from the date of the publication of such record under sub-section (2), institute a suit in a civil court to have such entry cancelled or modified.

(4) The Collector may, on the application of any person interested therein or on his own motion, modify any entry or insert any new entry in the *Wajib-ul-arz* on any of the following grounds:—

(a) that, all persons interested in such entry wish to have it modified; or

(b) that, by a decree in a civil suit, it has been declared to be erroneous; or

(c) that, being founded on a decree or order of a civil court or on the order of a revenue officer, it is not in accordance with such decree or order; or

(d) that, being so founded, such decree or order has subsequently been varied on appeal, revision or review; or

(e) that, the civil court has by a decree determined any custom existing in the village.

159. (1) The Administrator may make rules for regulating—

(a) fishing in Government tanks;

(b) the removal of any materials from lands belonging to the Government.

Regulation
of fishing,
hunting, etc.

(2) Such rules may provide for the issue of permits, the conditions attaching to such permits and the imposition of fees therefor and other incidental matters.

160. (1) Except as otherwise provided in this Regulation, any person who acts in contravention of the provisions in sections 154 to 159 or the rules made under section 159 or who contravenes or fails to observe any rules or custom entered in the *Wajib-ul-arz* or commits a breach of any entry entered in the *Nistar Patrak* shall be liable to such penalty not exceeding rupees one thousand as the Collector may, after giving such person an opportunity to be heard, deem fit; and the Collector may further order confiscation of any produce, or any other produce which such person may have appropriated or removed from lands belonging to Government.

Punishment
for contra-
vention of
certain
provisions.

(2) Where the Collector passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meeting the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention, breach or non-observance.

CHAPTER XI

REALISATION OF LAND REVENUE AND OTHER REVENUE DEMANDS

161. (1) Every occupant or lessee of Government, as the case may be, shall be primarily liable to the Government for the payment of land revenue, including all arrears of land revenue, due in respect of the land held by him. Joint occupants and joint holders who are primarily liable under this section shall be jointly and severally liable.

Liability for
land reve-
nue.

(2) In the case of default of any person who is primarily liable under this section, the land revenue, including the arrears as aforesaid, shall be recoverable from any person in possession of the land:

Provided that, where such person is a tenant, the amount recoverable from him shall not exceed the amount of land revenue relatable to the period of his tenancy:

Provided further that, when land revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him, in account with the person who is primarily liable.

Claims of Government, to have precedence over all others.

162. (1) The arrears of land revenue due on account of land shall be a paramount charge on the land and on every part thereof and shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment-decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

(2) The claim of the Government to any monies other than arrears of land revenue, but recoverable as a revenue demand under the provisions of this Chapter, shall have priority over all unsecured claims against any land or the holder thereof.

Dates on which land revenue falls due and is payable.

163. (1) The land revenue payable on account of a revenue year shall fall due on the first day of that year, but payment will be required only on the dates to be fixed as provided under sub-section (2).

(2) The Administrator may make rules providing for the payment of land revenue in instalments and on dates (hereinafter referred to as the "prescribed dates") subsequent to the first day of the revenue year, and such rules may prescribe the persons to whom and the places whereat such instalments shall be paid.

(3) The payment of land revenue to the person prescribed under sub-section (2) may be made in cash or may, at the cost of the remitter, be remitted by money order.

(4) Any period intervening between the first day of the revenue year and any date fixed for the payment of land revenue by such rules shall be deemed to be a period of grace, and shall not affect the provisions of sub-section (1).

"Arrear" ;
"defaulter".

164. Any land revenue due and not paid on or before the prescribed dates becomes therefrom an arrear, and the persons responsible for it under the provisions of section 161 or otherwise becomes defaulters.

Penalty for default of payment of land revenue.

165. If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date, the Collector may in the case of a wilful defaulter impose a penalty not exceeding twenty-five per cent. of the amount not so paid:

Provided that, no such penalty shall be imposed for non-payment of any instalment, the payment of which is suspended by the order of the

Administrator, in respect of the period during which the payment remained suspended.

166. A statement of account, certified by the Collector or by an Assistant or Deputy Collector or by the *Mamlatdar* shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear of the amount of land revenue due, and of the person who is the defaulter.

Certified account to be evidence as to arrears.

167. An arrear of land revenue may be recovered by any one or more of the following processes, that is to say,—

Process of recovery of arrears.

(a) by serving a written notice of demand on the defaulter under section 169;

(b) by forfeiture of the occupancy in respect of which the arrear is due under section 170;

(c) by distraint and sale of the defaulter's movable property under section 171;

(d) by attachment and sale of the defaulter's immovable property under section 172;

(e) by attachment of the defaulter's immovable property under section 173;

(f) by arrest and imprisonment of the defaulter under sections 174 and 175:

Provided that, the processes specified in clauses (c), (d) and (e) shall not permit the attachment and sale of the following, namely:—

(i) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman;

(ii) tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except an implement driven by mechanical power and such cattle and seed as may, in the opinion of the Collector, be necessary to enable him to earn his livelihood as such and also such portion of the agricultural produce as in the opinion of the Collector is necessary for the purpose of providing, until the next harvest, for the due cultivation of the land and for the support of the holder and his family;

(iii) articles set aside exclusively for the use of religious endowments;

(iv) houses and other buildings (with the materials and sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.

168. The processes referred to in section 167 may be employed for the recovery of arrears of former years as well as of the current year.

Revenue demands of former years how recoverable

169. (1) A notice of demand may be issued on or after the day following that on which the arrear accrues.

When notice of demand may issue.

(2) The Collector may from time to time, make orders for the issue of such notices, and with the sanction of the Administrator shall fix the

costs recoverable from the defaulter as an arrear of revenue, and direct by whom such notices shall be issued.

Occupancy
for which
arrear is
due may be
forfeited.

170. The Collector may declare the occupancy in respect of which an arrear of land revenue is due, to be forfeited to the Government, and subject to rules made in this behalf, sell or otherwise dispose of the same under the provisions of section 67 or 68 and credit the proceeds, if any, to the defaulters' accounts:

Provided that, the Collector shall not declare any such occupancy to be forfeited,—

(a) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner provided by sections 177 and 178 for sales of immovable property, and

(b) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been affixed as required by section 178.

Distrain
and sale of
defaulter's
movable
property.

171. (1) The Collector may also cause the defaulter's movable property to be distrained and sold.

(2) Such distrains shall be made by such officers or class of officers as the Collector under the orders of the Administrator may, from time to time, direct.

Sale of
defaulter's
immovable
property.

172. The Collector may also cause the right, title and interest of the defaulter in any immovable property other than the land on which the arrear is due to be attached and sold.

Power to
attach de-
faulter's
immovable
property
and take it
under
management.

173. (1) If the Collector deems it inexpedient to adopt any of the processes specified in the foregoing provisions for recovery of arrears, he may cause the immovable property of a defaulter to be attached and taken under the management of himself or any agent whom he may appoint for that purpose.

(2) The Collector or the agent so appointed shall be entitled to manage the lands attached and to receive all rents and profits accruing therefrom until the Collector restores the defaulter to the management thereof.

(3) All surplus profits of the land attached, beyond the cost of such attachment and management, including the payment of the current land revenue, shall apply in defraying the arrears due in respect of such lands.

(4) The land so attached shall be released from attachment and restored to the defaulter on his making an application to the Collector for that purpose at any time within twelve years from the date of attachment,—

(a) if at the time that such application is made it appears that the arrear has been liquidated; or

(b) if the defaulter is willing to pay the balance, if any, still due by him, and shall do so within such period as the Collector may specify in that behalf.

(5) If no application be made for the restoration of the land within twelve years, or if, after such application has been made, the defaulter fails to pay the balance, if any, still due by him within the period specified by the Collector in this behalf, the Collector may sell the right, title and interest of the defaulter in the land without prejudice to the encumbrances created prior to the attachment of the land; and shall make over the sale proceeds to the defaulter after deducting therefrom the sum due to the Government and expenses of the sale.

174. (1) At any time after any arrear becomes due, the defaulter (not being an agriculturist from whom such arrear in respect of his occupancy is due) may be arrested and detained in custody for ten days in the office of the Collector or of the *Mamlatdar* unless the revenue due together with the penalty or interest and the cost of arrest and of notice of demand and the cost of his subsistence during detention is sooner paid:

Arrest and detention of defaulter.

Provided that, no such arrest shall be made unless the default is wilful and the defaulter is given an opportunity to show cause against his arrest and detention.

(2) If, on the expiry of ten days the amount due by the defaulter is not paid then, or if the Collector deems fit on any earlier day, he may be sent by the Collector with a warrant, in the form specified in Schedule A, for imprisonment in the civil jail:

Provided that, no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a civil court for a debt equal in amount to the arrear of revenue due by such defaulter.

175. The Administrator may, from time to time, direct by whom the powers of arrest conferred by section 174 may be exercised, and also fix the costs of arrest and the expenditure to be incurred by the Government towards the subsistence of any defaulter under detention or imprisonment.

Power to arrest by whom to be exercised.

176. (1) Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Collector or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge of the jail, security in the form specified in Schedule B to the satisfaction of the Collector or such other person or officer.

Stay of processes on security being given.

(2) Any person against whom proceedings are taken under this Chapter may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment, the proceedings shall be stayed.

177. When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the Collector shall issue a proclamation in the prescribed form with its translation in English, Gujarati and Marathi of the intended sale, specifying the time and place of sale, and in the case of movable property whether the sale is subject to confirmation or not and when land paying revenue to the Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Procedure in effecting sales.

Notification
of sales.

178. (1) A written notice of the intended sale of immovable property, and of the time and place thereof, shall be affixed in each of the following places, namely:—

- (a) the office of the Collector,
- (b) the office of the *Mamlatdar*,
- (c) the *chavdi*, or some other public building in the village in which it is situate, and
- (d) the defaulter's dwelling place.

(2) In the case of movable property, the written notice shall be affixed in the *Mamlatdar's* office, and in the *chavdi*, or some other public building in the village in which such property was seized.

(3) The Collector may also cause notice of any sale, whether of movable or immovable property, to be published in any other manner that he may deem fit.

(4) A notice referred to in this section shall be in such form as may be prescribed.

Sale by
whom to be
made;
time of sale,
etc.

179. (1) Sales shall be made by auction by such persons as the Collector may direct.

(2) No sale shall take place on a Sunday or other general holiday recognised by the Government, nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of movable property, from the latest date on which any of the said notices shall have been affixed as required by section 178.

Postpone-
ment of
sale.

180. The sale may, from time to time, be postponed for any sufficient reason:

Provided that, when the sale is postponed for a period longer than thirty days, a fresh proclamation and notice shall be issued unless the defaulter consents to waive it.

Sale of
perishable
articles.

181. Nothing in sections 177, 178, 179 and 180 shall apply to the sale of perishable articles and such articles shall be sold by auction with the least possible delay, in accordance with such orders as may, from time to time, be made by the Collector either generally or specially in that behalf.

When sale
may be
stayed.

182. If the defaulter or any person on his behalf, pays the arrear in respect of which the property is to be sold and all other charges legally due by him at any time before the property is knocked down, to the person prescribed under section 163 to receive payment of the land revenue due, or to the officer appointed to conduct the sale or if he furnishes security under section 176, the sale shall be stayed.

Sales of
movable
property
when liable
to confirma-
tion.

183. (1) Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of movable property shall be finally concluded by the officer conducting such sales or shall be subject to confirmation, as may be directed in orders to be made by the Collector either generally or specially in that behalf.

(2) In the case of sales made subject to confirmation, the Collector shall direct by whom such sales may be confirmed.

184. (1) When a sale is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment, the property shall forthwith be again put up and sold.

Mode of payment for movable property when sale is concluded at once.

(2) On payment of the purchase money, the officer holding the sale shall grant a receipt for the same, and the sale shall after seven days from the date of sale become absolute as against all persons whomsoever, unless it is set aside under section 191.

185. (1) When sale is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five *per centum* of the amount of his bid, and in default of such deposit, the property shall forthwith be again put up and sold.

Mode of payment when sale is subject to confirmation.

(2) The full amount of purchase-money shall be paid by the purchaser before the sunset of the third day after he is informed of the sale having been confirmed, or if the said third day be a Sunday or other authorised holiday, then, before sunset of the first office day after such day and on payment of such amount the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever after the expiry of a period of seven days after the date of sale if no application is made under section 191, or if made, after it is rejected.

186. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five *per centum* of the amount of his bid, and in default of such deposit, the property shall forthwith be again put up and sold.

Deposit by purchaser in case of sale of immovable property.

187. The full amount of purchase-money shall be paid by the purchaser before the expiration of two months from the date on which the sale of the immovable property took place or before the expiration of fifteen days from the date on which the intimation of confirmation of the sale is received by the purchaser, whichever is earlier:

Purchase-money when to be paid.

Provided that, if the last date on which the purchase-money is to be paid happens to be a Sunday or other authorised holiday, then, the payment shall be made before the sunset of the first office day after such date.

188. In default of payment within the prescribed period of the full amount of purchase-money, whether of movable or immovable property, the deposit after defraying thereout the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold.

Effect of default.

189. If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Collector as an arrear of land revenue.

Liability of purchaser for loss by re-sale.

190. Every re-sale of property in default of payment of the purchase-money shall, except when such re-sale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sale.

Notification before re-sale.

Setting aside
sales of mo-
vables.

191. Sales of movables, except perishable articles, may be set aside on the ground of some material irregularity or mistake in publishing or conducting it if a person (on application made within seven days from the date of sale) proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

Application
to set aside
sale of im-
movables.

192. (1) At any time within thirty days from the date of sale of immovable property an application may be made to the Collector to set aside the sale on the ground of some material irregularity or mistake or fraud, in publishing or conducting it; but, except as is otherwise provided in sections 193, 194 and 195, no sale shall be set aside on the ground of any such irregularity or mistake or fraud, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury, by reason thereof.

(2) If the application be allowed, the Collector shall set aside the sale, and direct, a fresh one.

Order con-
firming or
setting aside
sale.

193. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in section 192 has been made, or if such application has been made and rejected, the Collector shall make an order confirming the sale:

Provided that, if he has reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been rejected, he may, after recording his reasons in writing, set aside the sale.

Purchaser
may apply
to set aside
sale under
certain cir-
cumstances.

194. Except in a case, where land has been sold for arrears which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Collector to set aside the sale on the ground that the defaulter had no saleable interest in the property sold; and the Collector shall, after due enquiry, pass such orders on such application as he deems fit.

Application
to set aside
sale by per-
son owning
or holding
interest in
property.

195. (1) Where immovable property has been sold under this Chapter, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may, at any time within thirty days from the date of sale, apply to the Collector to have the sale set aside on his depositing—

(a) for payment to the purchaser a sum equal to five *per centum* of the purchase-money;

(b) for payment on account of the arrear, the amounts specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may have been paid since the date of sale on that account; and

(c) the cost of the sale.

(2) If such deposit is made within thirty days from the date of sale, the Collector shall pass an order setting aside the sale.

196. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be, and the sum equal to five *per centum* of the purchase-money deposited under clause (a) of sub-section (1) or section 195.

Refund of deposit or purchase-money when sale set aside.

197. After a sale of any occupancy has been confirmed in the manner aforesaid, the Collector shall put the person declared to be the purchaser into possession of the land and shall cause his name to be entered in the land records as occupant or holder in lieu of that of the defaulter and shall grant him a certificate to the effect that he has purchased the land to which the certificate refers.

On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

198. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a civil court against the certified purchaser on the ground that the purchase was made on behalf of another person, though by agreement the name of the certified purchaser was used, shall be dismissed.

Bar of suit against certified purchaser.

199. (1) When any sale of movable property under this Chapter has become absolute, and when any sale of immovable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale, and recoverable as an arrear of land revenue and any other sum recoverable from the defaulter as an arrear of land revenue and notified to the Collector before the confirmation of such sale, and the surplus, if any, shall be paid to the person whose property has been sold.

Application of proceeds of sale.

(2) The expenses of sale shall be estimated at such rates and according to such orders as may, from time to time, be sanctioned by the Collector under the orders of the Administrator.

200. The surplus referred to in sub-section (1) of section 199 shall not, except under an order of a civil court, be payable to any creditor of the person whose property has been sold.

Surplus not to be paid to creditors except under order of court.

201. Notwithstanding anything contained in section 161, the person named in the certificate of title as purchaser shall not be liable for land revenue due in respect of the land for any period previous to the date of the sale.

Certified purchaser liable only for land revenue subsequently due.

202. Where immovable property is sold under the provisions of this Chapter and such sale has been confirmed, the property shall be deemed to have vested in the purchaser on the date when the property is sold and not on the date when the sale was confirmed.

Purchaser's title.

203. (1) If any claim is set up by a third person to the property attached or proceeded against under the provisions of this Regulation, the Collector may on a formal inquiry held after reasonable notice, admit or reject it.

Claims to attached property how to be disposed of.

(2) The person against whom an order is made under sub-section (1) may, within one year from the date of the order, institute a suit to establish the right which he claims to the property attached or proceeded

against; but subject to the result of such suit, if any, the order shall be conclusive.

Bar of
revenue
officer to
bid, etc., at
sale.

204. Except as provided in section 205 no officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

Purchase on
nominal
bid.

205. Where at any sale held under the provisions of this Chapter, there is no bidder or the bids made are inadequate or nominal, it shall be lawful for the Collector to authorise any of his subordinates to purchase the property on behalf of the Government for such bid as such subordinate may make:

Provided that, if the property so purchased is subsequently sold by the Government within twelve years of the purchase, the following amounts shall be recovered from the sale proceeds and the surplus, if any, shall be paid to the person whose property has been sold, namely:—

(a) dues, that is, the principal outstandings with interest;

(b) loss of revenue, if any, caused to the Government during the period the land remains with the Government and no person takes it on lease or otherwise;

(c) actual expenditure incurred in the auction sale;

(d) penalty equal to one-fourth of the principal:

Provided further that, if the property is not subsequently sold as aforesaid, it may be returned or granted on the tenure on which he held it immediately before its purchase by Government, as the case may be, to the defaulter on his paying the amounts specified in the first proviso, at any time within a period of twelve years from the date of purchase on behalf of the Government.

Sum re-
coverable
under the
provisions
of this
Chapter.

206. (1) (a) All sums due on account of land revenue, rent, quit-rents, *nazranas*, succession duties, transfer duties and forfeitures, cesses, profits from land, emoluments, fees, charges, fines, penalties, water rates, royalty, costs, payable or leviable under this Regulation or under any other law for the time being in force relating to land revenue;

(b) All monies due by any contractor for the farm of any tax, duty cess or fee or any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

(c) all sums declared by this Regulation or any other law for the time being in force or by any agreement or contract with the Government to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue,

shall be levied under the foregoing provisions of this Chapter and all the provisions of this Chapter shall, so far as may be, be applicable thereto.

(2) In the event of the resumption of any farm referred to in clause (b) of sub-section (1), no person shall be entitled to any credit for any payments which he may have made to the contractor in anticipation.

207. Any person who has received from the Government a free grant of money for any agricultural purpose, subject to the condition that he shall refund the same on failure to observe any of the conditions of the grant, shall, on failure to observe any such condition and to repay the said sum to the Government be liable to be proceeded against under the provisions of this Chapter as a revenue defaulter; and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such person.

Recovery of free grants as arrear of revenue in case of misuse.

208. Every person, who may have become a surety under any of the provisions of this Regulation, or under any other law for the time being in force or under any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue including a contractor referred to in clause (b) of sub-section (1) of section 206 shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions of this Regulation as a revenue defaulter; and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such person.

Recovery of monies from surety.

CHAPTER XII

PROCEDURE OF REVENUE OFFICERS

209. In all official acts and proceedings a revenue officer shall, in the absence of any express provision of law or any rule made thereunder to the contrary, be subject as to the place, time and manner of performing his duties to the direction and control of the officer to whom he is subordinate.

Subordination of revenue officers.

210. Whenever it appears to the Administrator, that an order under this section is expedient for the ends of justice, he may direct that any particular case be transferred from one revenue officer to another revenue officer of an equal or superior rank.

Power to transfer cases.

211. (1) The Collector, Sub-Divisional Officer or *Mamlatdar* may make over any case or class of cases, arising under the provisions of this Regulation or any other law for the time being in force, for decision from his own file to any revenue officer subordinate to him competent to decide such case or class of cases or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself or refer the same for disposal to any other revenue officer competent to decide such case or class of cases.

Power to transfer cases to and from subordinates.

(2) The Collector, Sub-Divisional Officer or *Mamlatdar* may make over for inquiry and report any case or class of cases arising under the provisions of this Regulation or any other law for the time being in force from his own file to any revenue officer subordinate to him.

212. (1) Every revenue or survey officer not below the rank of an *Aval Karkun* in their respective departments shall have power to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce documents for the purposes of any inquiry which such officer is legally empowered to make.

Power to summon persons to give evidence and produce documents.

(2) A summons to produce documents may be for the production of certain specified documents for or the production of all documents of a certain description in the possession of the person summoned.

(3) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, all persons so summoned shall be bound to attend, 5 of 1908. either in person or by an authorised agent, as such officer may direct.

(4) All persons summoned as aforesaid shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required.

Summons to be in writing, signed and sealed; service of summons.

213. (1) Every summons shall be in writing in duplicate and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and if he has a seal shall also bear his seal.

(2) The summons shall be served by tendering or delivering a copy of it to the person summoned or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

Compelling attendance of witness.

214. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons is issued under section 212 may—

- (a) issue a bailable warrant of arrest; or
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding fifty rupees.

Mode of serving notice.

215. (1) Subject to the provisions of this Regulation, and the rules made thereunder, every notice under this Regulation may be served either by tendering or delivering a copy thereof, or sending such copy by post to the person on whom it is to be served, or his authorized agent, or, if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated or from which the land is cultivated.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person, or in the description of any land, referred to therein, unless such error has produced substantial injustice.

Procedure for producing attendance of witnesses.

216. In any formal or summary inquiry if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, 1908, for parties applying for summonses for 5 of 1908. witnesses.

Hearing in absence of party.

217. (1) If on the date fixed for hearing a case or proceeding, a revenue or survey officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed in default of payment of such process fees.

(2) If any party to a case or proceeding before the revenue or survey officer does not appear on the date fixed for hearings, the case may be heard and determined in his absence or may be dismissed in default.

(3) The party against whom any order is passed under sub-section (1) or (2) may apply within thirty days from the date of such order to have it set aside on the ground that he was prevented by any sufficient cause from paying the requisite process fees for service of a summons or notice on the opposite party or from appearing at the hearing and the revenue or survey officer may, after notice to the opposite party which was present on the date on which such order was passed and after making such inquiry as he considers necessary, set aside the order passed.

(4) Where an application filed under sub-section (3) is rejected, the party aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed by such officer.

(5) Except as provided in sub-section (4) or except where a case or proceeding before any such officer has been decided on merits, no appeal shall lie from an order passed under this section.

218. (1) A revenue or survey officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

Adjournment of hearing.

(2) The date and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

219. (1) In all formal inquiries the evidence shall be taken down in full, in writing, in English or in Gujarati or Marathi, by or in the presence and hearing and under the personal superintendence and direction of, the officer making the investigation or inquiry, and shall be signed by him and the officer shall read out or cause to be read out the evidence so taken to the witness and obtain his signature thereto in token of its correctness.

Mode of taking evidence in formal inquiries.

(2) In cases in which the evidence is not taken down in full in writing by the officer making the inquiry he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

(3) If such officer is prevented from making a memorandum as required aforesaid, he shall record the reason of his inability to do so.

220. Every decision, after a formal inquiry, shall be in writing signed by the officer passing the same, and shall contain a full statement of the grounds on which it is passed.

Writing and explanation of decisions.

221. In summary inquiries, the revenue or survey officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in Gujarati or Marathi embracing the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the same:

Summary inquiries how to be conducted.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Regulation to be summary under all, or any of the rules applicable to a formal inquiry, if he deems fit.

Formal and summary inquiries to be deemed judicial proceedings.

222. (1) A formal or summary inquiry under this Regulation shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed to be a civil court for the purposes of such inquiry.

(2) Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorised agents shall have due notice to attend.

Ordinary inquiries how to be conducted.

223. An inquiry which this Regulation does not require to be either formal or summary, or which any revenue or survey officer may on any occasion deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special as may have been prescribed by the Administrator or an authority superior to the officer conducting such inquiry, and except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Copies and translations, etc., how to be obtained.

224. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders, and the reasons therefor and of exhibits, shall be furnished to the parties and original documents used as evidence shall be restored to the parties who produced them, or to persons claiming under them on due application being made for the same, subject to such charges for copying, searches, inspection and other like matters as may be prescribed.

Arrest of defaulter to be made upon warrant.

225. Whenever it is provided by this Regulation that a defaulter, or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power to enter upon and survey land.

226. All revenue and survey officers and when under their observation and control, their servants and workmen when so directed, may enter upon and survey land and demarcate boundaries and do other acts connected with the lawful exercise of their office under this Regulation or any other law for the time being in force relating to land revenue and in so doing shall cause no more damage than may be required for the due performance of their duties:

Provided that, no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours' notice, and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

Collector how to proceed in order to evict any person wrongfully in possession of land.

227. Whenever it is provided by this Regulation or by any other law for the time being in force that the Collector may or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, that is to say—

(a) by serving a notice on the person or persons in possession requiring him or them (within such time as may appear reasonable after receipt of the said notice) to vacate the land, and

(b) if such notice is not obeyed, by removing or deputing a subordinate to remove, any person who may refuse to vacate the same, and

(c) if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person, and on his appearance commit him to close custody in the office of the Collector or of the *Mamlatdar* or send him with a warrant, in the form specified in Schedule D, for imprisonment in the civil jail for such period not exceeding thirty days, as may be necessary to prevent the continuance of such resistance or obstruction.

228. A revenue or survey officer may give and apportion costs incurred in any case or proceeding arising under this Regulation or any other law for the time being in force in such manner and to such extent as he thinks fit: Power to give and apportion costs.

Provided that, the fees of a legal practitioner shall not be allowed as costs in any such case or proceeding, unless such officer considers otherwise for reasons to be recorded by him in writing.

229. Save as otherwise provided in any other law for the time being in force, all appearances before, applications to and acts to be done before, any revenue or survey officer under this Regulation or any other law for the time being in force may be made or done by the parties themselves or by their recognised agents or by any legal practitioner: Persons by whom appearances and applications may be made before and to revenue or survey officer.

5 of 1908.

Provided that, subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, any such appearance shall, if the revenue or survey officer so directs, be made by the party in person.

CHAPTER XIII

APPEALS, REVISION AND REVIEW

230. (1) In the absence of any express provision of this Regulation, or of any other law for the time being in force to the contrary, an appeal shall lie from any decision or order passed under this Regulation or any other law for the time being in force by a revenue or survey officer specified in column (1) of Schedule E to the officer specified in column (2) of that Schedule whether or not such decision or order may itself have been passed on appeal from the decision or order of the officer specified in column (1) of the said Schedule: Appeal and appellate authorities.

Provided that in no case the number of appeals shall exceed two.

(2) When on account of promotion or change of designation, an appeal against any decision or order lies under this section to the same officer who has passed the decision or order appealed against the appeal shall lie to such other officer competent to decide the appeal to whom it may be transferred under the provisions of this Regulation.

Appeal
against
review or
revision.

231. (1) An order passed in review varying or reversing any order shall be appealable in the like manner as an original decision or order.

(2) An order passed in revision varying or reversing any order shall be appealable as if it were an order passed by the revisional authority in appeal.

Periods
within
which
appeals
must be
brought.

232. (1) No appeal shall be brought after the expiration of sixty days if the decision or order complained of has been passed by an officer inferior in rank to the Collector nor after the expiration of ninety days in any other case.

(2) The period of sixty and ninety days referred to in sub-section (1) shall be counted from the date on which the decision or order is received by the appellant and in computing the said periods, the time required to obtain a copy of the decision or order appealed against shall be excluded.

Admission
of appeal
after period
of limita-
tion.

233. Any appeal or an application for review under this Chapter may be admitted after the period of limitation prescribed therefor when the appellant or the applicant, as the case may be, satisfies the officer or the Administrator to whom he appeals or applies, that he had sufficient cause for not presenting the appeal or application, as the case may be, within such period.

Certain
orders not
appealable.

234. No appeal shall lie from an order—

(a) admitting an appeal or an application for review under section 233; or

(b) rejecting an application for revision or review; or

(c) granting or rejecting an application for stay.

Provision
where last
day for
appeal falls
on Sunday
or holiday.

235. Whenever the last day of any period provided in this Chapter for presentation of an appeal or an application for review falls on a Sunday or other holiday recognised by the Government the day next following the close of the holiday shall be deemed to be such last day.

Copy of
order to
accompany
petition of
appeal,
review or
revision.

236. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

Power of
appellate
authority.

237. (1) The appellate authority may either admit the appeal or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it:

Provided that the appellate authority shall not be bound to call for the record where the appeal is time barred or does not lie.

(2) If the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent.

(3) After hearing the parties, if they appear, the appellate authority may, for reasons to be recorded in writing, either annul, confirm, modify, or reverse the order appealed against, or may direct such further investigation to be made, or such additional evidence to be taken, as it may think necessary, or may itself take such additional evidence, or may remand the case for disposal with such directions as it thinks fit.

238. (1) A revenue or survey officer who has passed only order or his successor in office may, at any time before the expiry of the period prescribed for appeal, direct the execution of such order to be stayed for such time as he thinks fit, provided no appeal has been filed.

Stay of execution of orders.

(2) The appellate authority may, at any time, direct the execution of the order appealed from, to be stayed for such time as it may think fit.

(3) The authority exercising the powers of revision or review may direct the execution of the order under revision or review, as the case may be, to be stayed for such time as it may think fit.

(4) The appellate authority or the authority exercising the powers of revision or review may set aside or modify any direction made under sub-section (1).

(5) The revenue or survey officer or the authority directing the execution of an order to be stayed may impose such conditions or order such security to be furnished as he or it thinks fit.

(6) No order directing the stay of execution of any order shall be passed, except in accordance with the provisions of this section.

239. (1) The Administrator and any revenue or survey officer, not inferior in rank to an Assistant or Deputy Collector, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue or survey officer, for the purpose of satisfying as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

Power of Administrator and of certain revenue and survey officers to call for and examine records and proceedings of subordinate officers.

(2) The Administrator may in the same manner call for and examine the proceedings of any officer subordinate to him in any matter in which neither a formal nor a summary inquiry has been held.

(3) If in any case, it shall appear to the Administrator or to any officer referred to in sub-section (1) that any decision or order or proceedings so called for should be modified, annulled or reversed, he may pass such order thereon as he deems fit:

Provided that the Administrator or such officer shall not vary or reverse any order affecting any question of right between private persons without having given to the parties interested notice to appear and to be heard in support of such order:

Provided further that, an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass such order thereon as he may deem fit.

240. (1) The Administrator and every revenue or survey officer may, either on his own motion or on the application of any party interested, review any order passed by himself or any of his predecessors in office and pass such orders in reference thereto as he thinks fit:

Review of orders.

Provided that—

(i) if the Collector or Settlement Officer thinks it necessary to review any order which he has not himself passed, on the ground other than that of clerical mistake, he shall first obtain the sanction of the Administrator or the Collector, as the case may be, and if an

officer subordinate to a Collector or Settlement Officer proposes to review any order on the ground other than that of clerical mistake, whether such order is passed by himself or his predecessor, he shall first obtain the sanction of the authority to whom he is immediately subordinate;

(ii) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;

(iii) no order from which an appeal has been made, or which is the subject of any revision proceedings, shall, so long as such appeal or proceedings are pending, be reviewed;

(iv) no order affecting any question of right between private persons shall be reviewed except on an application of a party to the proceedings, and no such application for review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) No order shall be reviewed except on the following grounds, namely:—

- (i) discovery of new and important matter or evidence, or
- (ii) some mistake or error apparent on the face of the record, or
- (iii) any other sufficient reason.

(3) For the purposes of this section, the Collector shall be deemed to be the successor in office of any revenue or survey officer who has left or who has ceased to exercise powers as a revenue or survey officer and to whom there is no successor.

(4) An order which has been dealt with in appeal or on revision shall not be reviewed by any revenue or survey officer subordinate to the appellate or revisional authority.

(5) Orders passed in review shall on no account be reviewed.

Rules as to decisions or orders expressly made final.

241. Whenever in this Regulation, it is provided that a decision or order shall be final or conclusive, such provision shall mean that no appeal lies from any such decision or order, but it shall be lawful to the Administrator alone to modify, annul or reverse any such decision or order under the provisions of section 239.

CHAPTER XIV

MISCELLANEOUS

Maps and land records open to inspection, etc.

242. Subject to such rules and the payment of such fees as the Administrator may, from time to time, prescribe in this behalf, all maps and land records shall, subject to such restrictions as may be imposed, be open to the inspection of the public at reasonable hours, and certified extracts from the same or certified copies thereof shall be given to all persons applying for the same.

Rules.

243. (1) The Administrator may make rules not inconsistent with the provisions of this Regulation for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

(i) the powers and duties of appeal, superintendence and control which may be exercised and discharged by revenue officers under sub-section (1) of section 12;

(ii) the powers which may be exercised by a Circle Officer and Circle Inspector over the *Talathi* and the duties and functions which may be performed by them under sub-section (2) of section 13;

(iii) the qualifications of persons on whom powers of an Assistant or Deputy Collector or *Mamlatdar* may be conferred under section 14;

(iv) the manner of disposal of the property of Government under sub-section (1) of section 19;

(v) the grazing on free pasturage land under section 22;

(vi) the cutting of trees under section 24;

(vii) the manner in which trees, bushwood, jungle or other natural product vesting in Government shall be preserved or disposed of under section 25;

(viii) the conditions subject to which, wood may be taken without payment of any tax under sub-section (1), and the privileges to cut fire-wood or timber may be exercised under sub-section (2), of section 27;

(ix) the grant of land and the conditions to be annexed to such grant under section 30;

(x) the disposal of alluvial land under sub-section (1) of section 31;

(xi) the conditions subject to which unoccupied land may be leased under section 36;

(xii) the form of application for permission to convert the use of land from one purpose to another under sub-section (1), the conditions subject to which permission for change of user may be granted by the Collector under clause (c) of sub-section (2), the conditions subject to which the permission for change of user shall be deemed to have been granted under sub-section (4), the amount of fine which the defaulter shall be liable to pay under sub-section (6) and the form in which *sanad* may be granted to the holder for non-agricultural use under sub-section (7), of section 42;

(xiii) the amount of fine to be paid as penalty for using land without permission under sub-section (1) of section 43;

(xiv) the conditions subject to which the Collector may regularise the non-agricultural use of any land under section 45;

(xv) the extraction and removal of mines and minerals under sub-section (9) of section 46;

(xvi) the form in which an application for construction of water-course may be made under sub-section (1) of section 47;

(xvii) the conditions subject to which land may be granted to an encroacher under section 49;

(xviii) the local area within which the operation of section 53 may be suspended under section 57;

(xix) the conditions subject to which a holder of land shall be entitled to decrease of assessment and the conditions subject to which a holder of land shall be liable for payment of land revenue on reappearance of the land lost by diluvion under section 61;

(xx) the manner and alteration of assessment under section 62;

(xxi) the assessment of the amount to be paid as land revenue under sub-section (1) of section 63;

(xxii) the disposal of occupancy under section 67;

(xxiii) the conditions subject to which and the circumstances in which reduction, suspension or remission of land revenue in any area may be granted under section 72;

(xxiv) the maintenance of the records of the area and assessment of survey numbers and sub-divisions thereof under section 78;

(xxv) the division of the holding and apportionment of assessment thereof and the limits of area or land revenue below which partition may be rejected under section 79;

(xxvi) the division of survey numbers into sub-divisions and the fixation of the assessment of the sub-divisions and the revision thereof under sub-section (2), and the land records in which the area and assessment of sub-divisions may be entered under sub-section (3), of section 81;

(xxvii) the division of lands to be settled into groups and the fixation of the standard rates for each group under sub-section (1), and the manner in which the land revenue assessment of individual survey numbers and sub-divisions may be fixed by the Settlement Officer on the basis of their classification value under sub-section (3), of section 88;

(xxviii) the manner of ascertaining the average yield of crops of land for the purposes of the settlement and the manner of holding the inquiry for that purpose and the manner of submitting the report to the Collector under section 90;

(xxix) the manner in which a settlement report may be published under section 91;

(xxx) the manner of giving a notice under section 95;

(xxxi) the percentage of the full market value of lands and the manner of publication of the standard rates of non-agricultural assessment fixed or revised and the manner in which the full market value may be estimated under section 106;

(xxxii) the occupations under clause (1), and the period and conditions under clause (5), of section 110;

(xxxiii) the factors to be taken into account for the fixation of the amount of survey fee under sub-section (2) of section 120;

(xxxiv) the manner in which the maps and registers in which the results of operations conducted under section 119 shall be recorded and the proportion of contribution to be made by a village panchayat to the cost of preparing such maps under section 121;

(xxxv) the charges or fees for granting a copy of sanad under section 124;

(xxxvi) the procedure to be followed by the Collector in demarcating the boundaries of a survey number or a sub-division, the nature of the boundary marks to be used and the amount of fee that

may be levied on the holders of land in a demarcated survey number or sub-division, under sub-section (2) of section 129;

(xxxvii) the manner of publication of the plan to revise the boundaries by the survey officer under sub-section (3), and the number of members constituting a village committee, and the manner in which the committee shall be elected under sub-section (7), of section 130;

(xxxviii) the determination of the description of the boundary marks and survey marks, the manner in which they shall be constructed, laid out, maintained or repaired and the dimensions and materials of boundary and survey marks, under section 132;

(xxxix) the manner of demarcating boundary marks, and of repairing and renewing such marks, under section 135;

(xl) the particulars which a record-of-rights shall include under section 141;

(xli) the nature of evidence that may be produced under the second proviso to section 142;

(xlii) the form of acknowledgment to be given by a *Talathi* under sub-section (3), the manner in which the orders disposing of objections may be recorded in the register of mutations under sub-section (4), the transfer of entries from the register of mutations to the record-of-rights under sub-section (5), the matter in which entries in the register of mutations may be certified under sub-section (6), and the manner in which and the procedure in accordance with which register of tenancies may be maintained under sub-section (7), of section 143;

(xliii) the matters which the booklet may contain under sub-section (4), the preparation, issue and maintenance of booklet and the fees to be charged therefor under sub-section (5), of section 144;

(xliv) the requisition of assistance in the preparation of maps under section 146;

(xlv) the form in which and the times at which intimation of transfers by registering officers may be sent under section 147;

(xlvi) the land records to be prepared under section 149;

(xlvii) the payment of land revenue in instalments and the dates on which, the persons to whom and the places whereat such instalments may be paid, under sub-section (2) of section 163;

(xlviii) the conditions subject to which, and the circumstances in which, occupancy forfeited to Government may be sold or otherwise disposed of under section 170;

(xlix) the form of proclamation to be issued by the Collector under section 177;

(l) the form of notice under sub-section (4) of section 178;

(li) the manner in which a fresh notice of re-sale of property may be given under section 190;

(lii) the conduct of ordinary inquiries under section 223;

(liii) the charges for copying, searches, inspection and other like matters under section 224;

(liv) the conditions subject to which and the fees on payment of which maps and records shall be open to the inspection of the public and certified extracts therefrom or certified copies thereof may be given under section 242;

(lv) any other matter for which rules have to be or may be made under this Regulation.

Power to
remove
difficulties.

244. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, do anything not inconsistent with such provisions which may appear to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the date of publication of this Regulation.

Repeal and
saving.

245. (1) The following laws, that is to say,—

- (i) the Organizacao Agraria for Nagar Haveli published under Portaria Provincial No. 985, dated the 22nd September, 1919;
- (ii) Portaria Provincial No. 1055, dated the 23rd December, 1920;
- (iii) Diploma Legislativo No. 406, dated the 17th March, 1930;
- (iv) Decreto No. 27:135, dated the 20th October, 1936;
- (v) Portaria Provincial No. 5242, dated the 6th September, 1938;
- (vi) Diploma Legislativo No. 1063, dated the 17th August, 1939;
- (vii) Portaria Provincial No. 3635, dated the 2nd April, 1942;
- (viii) Portaria Provincial No. 4852, dated the 10th March, 1949;
- (ix) Diploma Legislativo No. 1370, dated the 19th April, 1951;
- (x) any other Portaria, Diploma, Decreto or Order issued up to the 21st July, 1954, relating to the amendment of the law referred to in clause (i).

in force in the Union territory of Dadra and Nagar Haveli shall, as from the commencement of this Regulation, stand repealed.

(2) Nothing in sub-section (1) shall affect—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken under any such law shall, so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been done or taken under the corresponding provisions of this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Regulation.

SCHEDULE A

(See sections 16 and 174)

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 16 OR 174

(Seal)

To

The Officer in Charge of the Civil Jail at

WHEREAS AB of _____ was on the _____ day of _____ 19____ ordered by _____ to (here state the substance of the demand made); and whereas the said AB has neglected to comply with the said order, and it has therefore been directed under the provisions of section 16/174 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 that he be imprisoned in the civil jail until he obeys the said order, or until he obtains his discharge under the provisions of section 16 or 174 or 176, as the case may be, of the said Regulation; you are hereby required to receive the said AB into jail under your charge and to carry the aforesaid order into execution according to law.

Dated this _____ day of _____ 19____ (Seal)

(Signature of the Collector)

SCHEDULE B

(See sections 18 and 176)

FORM OF BOND TO BE REQUIRED UNDER SECTION 18 OR 176

WHEREAS I, _____, have been ordered by _____ to (here state the nature of the demand) and whereas I dispute the right of the said _____ to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the Civil Court of Dadra and Nagar Haveli to contest the justice of the demand, and do agree that in the event of a decree being passed against me, I will fulfil the same and will pay all amounts including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the above-mentioned amount of _____ rupees (or will deliver up the above-mentioned papers or property, as the case may be), and in the case of making default therein, I hereby bind myself to forfeit to the Government the sum of _____ rupees.

Dated _____

(Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL

We, _____ hereby declare ourselves securities for the abovesaid _____ that he shall do and perform all that he has above undertaken to do and perform and in case of his making default herein, we hereby bind ourselves to forfeit to the Government the sum of _____ rupees.

Dated _____

(Signature)

SCHEDULE C

(See sections 122 and 123)

FORM OF SANAD FOR BUILDING SITES

(The Asoka Capital Motif)

The Administration of the Union territory of Dadra and Nagar Haveli
To

.....
WHEREAS the Administrator, with a view to the settlement of the land revenue, and the record and preservation of proprietary and other rights connected with the soil, has under the provisions of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, directed a survey of the lands within the of and ordered the necessary inquiries connected therewith to be made, this *sanad* is issued under section 122/123 of the said Regulation to the effect that there is a certain plot of ground occupied by you, the particulars of which are given below:—

1. Name of village/town.
2. Plot No.
3. Map sheet No.
4. Boundaries:—North
 South
 West
 East
5. Area of the plot.
6. Shape and dimensions of the plot.

You are hereby confirmed in the said occupancy exempt from all land revenue (or subject to the payment of Rs. per annum of the land revenue).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the Administrator, without any objection or question as to title to whosoever shall, from time to time, be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 or of any other law for the time being in force and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law, from time to time, in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

(Signed)

SCHEDULE D

(See section 227)

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 227

(Seal)

To

The Officer in Charge of the Civil Jail at

WHEREAS AB of _____ has resisted
(or obstructed) CD in removing EF (or himself, that is, the said AB)

certain land in the village of _____
from _____
the land or foreshore situated at _____

and whereas it is necessary, in order to prevent the continuance of such resistance or obstruction to commit the said AB to close custody; you are hereby required under the provisions of section 227 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, to receive the said AB into the jail under your charge and there to keep him in safe custody for _____ days.

Dated this _____ day of _____ 19____

(Signature of the Collector)

SCHEDULE E

(See section 230)

Revenue and survey officer (1)	Officer to whom appeal lies (2)
1. All revenue and survey officers subordinate to the Sub-Divisional Officer.	Sub-Divisional Officer or such Assistant or Deputy Collector as may be specified by the Collector in this behalf.
2. Sub-Divisional Officer, Assistant or Deputy Collector and Settlement Officer.	Collector.
3. Collector.	Administrator.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

